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BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

GOVERNMENT
DOCUMENTS DEPT

DEC 16 2011

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Tuesday, September 14, 2010 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Elsbernd	Wednesday 11:00 AM
City and School District Select Committee Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, Avalos, Dufty	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mar, Chu, Maxwell	2nd and 4th Thursday 10:30 AM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Elsbernd	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Alioto-Pier, Mar	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:11 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved to approve the Board Meeting Minutes of July 13, 2010, July 20, 2010, July 27, 2010, August 3, 2010, August 10, 2010, and Special Board of Supervisors Meeting Minutes of the Budget and Finance Committee of July 1, 2010, and July 9, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

100900 **[Approval of Amendment No. 1 of Lease, Use, and Operating Agreement for BART Station and Related Facilities and Grant Easement at San Francisco International Airport, Lease No. L97-0081]**

Resolution approving and authorizing the execution of Amendment No. 1 to Lease, Use, and Operating Agreement for BART Station and Related Facilities and Grant of Easement at San Francisco International Airport, Lease No. L97-0081 to: (1) limit BART Premium Fare (surcharge) for non-airline airport employees for $1.50 each way for the remainder of the Lease; (2) remove BART Faithful Performance Deposit requirement; (3) permit monthly payment by BART of the annual rent in lieu of advance annual payment; (4) allow advertising by BART in the Airport-BART Station; and (5) include administrative updates to the Lease. (Airport Commission) (Fiscal Impact.)

Resolution No. 431-10

ADOPTED

101002 [Airport Concession Lease with Host International, Inc.]
Resolution approving the Terminal 2 Newsstands, Coffee, and Specialty Stores Lease between Host International, Inc., and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

Resolution No. 417-10

ADOPTED

101109 [State Contract Funds for Substance Abuse Treatment - $60,402,780]
Sponsor: Mayor
Resolution retroactively authorizing the San Francisco Department of Public Health, Community Behavioral Health Services (DPH-CBHS) to enter into a Combined Net Negotiated Amount and Drug Medi-Cal Agreement with the State of California Department of Alcohol and Drug Programs (DADP) for the term of July 1, 2010, through June 30, 2013, in the amount of $60,402,780 and for the term of July 1, 2010, through June 30, 2011, in the amount of $20,134,260 as a condition of receiving state funds and Drug Medi-Cal reimbursement for substance abuse treatment and prevention; holding DADP harmless from any and all claims resulting from the agreement; authorizing and designating the DPH County Alcohol and Drug Administrator to sign said Agreement and to approve amendments for less than 10% of the contracted amount. (Fiscal Impact.)

Resolution No. 434-10

ADOPTED

Recommendation of the Land Use and Economic Development Committee

100434 [Castro Street Neighborhood Commercial District - Conditional Use Requirements for Restaurants and Self-Service Specialty Food Establishments]
Sponsor: Dufty
Ordinance amending the San Francisco Planning Code by amending Section 715.1 and Sections 715.42, 715.43, 715.44, and 715.69A of the Zoning Control Table to allow new full-service and small self-service restaurants with a conditional use authorization, to permit self-service specialty food establishments as of right, and to prohibit all large fast food establishments; adopting findings, including environmental findings; amending Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Ordinance No. 229-10

FINALLY PASSED

Recommendations of the Rules Committee

100954 [Settlement of Lawsuit - Ricardo Rodriguez - $30,000]
Ordinance authorizing settlement of the lawsuit filed by Ricardo Rodriguez against the City and County of San Francisco for $30,000; the lawsuit was filed on February 19, 2009, in San Francisco Superior Court, Case No. CGC09-485133; entitled Ricardo Rodriguez v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 230-10

FINALLY PASSED

100955 [Settlement of Lawsuit - Stanislaus Imports - $245,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Stanislaus Imports against the City and County of San Francisco for $245,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 231-10

FINALLY PASSED

100956 [Settlement of Lawsuit - Monte and Joanne Stott and Stott and Associates, Inc. - $32,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Monte and Joanne Stott and Stott and Associates, Inc., against the City and County of San Francisco for $32,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 232-10

FINALLY PASSED

100957 [Settlement of Lawsuit - Yanick Constant - $32,500]

Ordinance authorizing settlement of the lawsuit filed by Yanick Constant against the City and County of San Francisco for $32,500; the lawsuit was filed on April 21, 2008, in San Francisco Superior Court, Case No. 474485; entitled Yanick Constant v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 228-10

FINALLY PASSED

100958 [Settlement of Lawsuit - Icenogle IMR Joint Venture - $1,330,000]

Ordinance authorizing settlement of the lawsuit filed by Icenogle IMR Joint Venture against the City and County of San Francisco for $1,330,000; the lawsuit was filed on September 24, 2007, in San Francisco County Superior Court, and subsequently transferred to Alameda County Superior Court, Case No. RG08391219; entitled Icenogle IMR Joint Venture v. City and County of San Francisco, et al.; other material terms of said settlement are: (1) mutual releases except for latent defects, (2) dismissal of all complaints and cross-complaints with prejudice, (3) each side to bear its own attorneys fees and costs, and (4) plaintiff to be responsible for resolving outstanding stop notices. (City Attorney)

Ordinance No. 233-10

FINALLY PASSED

100960 [Settlement of Lawsuit - CCSF v. Underground Construction Co., et al. - City to Receive - $29,000]

Ordinance authorizing settlement of the lawsuit filed by City and County of San Francisco against Underground Construction Co., et al. by accepting the payment of $29,000 to the City and County of San Francisco; $23,200 from Underground Construction Co., and $5,800 from State Farm; the lawsuit was filed on February 24, 2009, in San Francisco Superior Court, Case No. CGC-09-485059; entitled City and County of San Francisco, et al., v. Underground Construction Co., et al. (City Attorney)

Ordinance No. 234-10

FINALLY PASSED

101000 [Appointment, Veteran Affairs Commission - Anthony Alfidi]
Motion appointing Anthony Alfidi, term ending January 31, 2012, to the Veterans Affairs Commission. (Clerk of the Board)
Anthony Alfidi, seat 3, succeeding Wallace Levin, resigned, must be an at-large appointment, for the unexpired portion of a four-year term ending January 31, 2012.

Motion No. M10-132

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the Consent Agenda

Supervisor Mar requested that File No. 101004 be severed so that it may be considered separately.

101004 [Lease and License of Real Property at 1 Dr. Carlton B. Goodlett Place, Ground Floor Café and North Light Court]
Resolution authorizing the lease of 1,426 square feet of space, a license of 2,400 square feet and the shared use space of 1,360 square feet to the Elias M. Nasra and Family Partnership, a California general partnership, in City Hall located at 1 Dr. Carlton B. Goodlett Place. (Real Estate Department)

Supervisor Mar, seconded by Supervisor Daly, moved that this Resolution be CONTINUED to September 21, 2010. The motion carried by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi
Noes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell

REGULAR AGENDA

NEW BUSINESS

Recommendations of the Budget and Finance Committee

101063 [California Constitution Appropriations Limit FY2010-2011]
Sponsor: Avalos
Resolution establishing the appropriations limit for FY2010-2011 pursuant to California Constitution Article XIII B.
(Fiscal Impact.)

Resolution No. 426-10

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101059 [Setting San Francisco Community College District's Property Tax Rate to be Included in the City's Overall Property Tax Rate - FY2010-2011]
Sponsor: Avalos
Ordinance providing revenue and levying property taxes for San Francisco Community College District purposes for the FY ending June 30, 2011.
(Fiscal Impact)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101058 [Setting San Francisco's Property Tax Rate and Establishing Pass-Through Rate for Residential Tenants - FY2010-2011]
Sponsor: Avalos
Ordinance providing revenue and levying property taxes for City and County purposes and establishing a pass-through rate for residential tenants pursuant to Chapter 37 of the Administrative Code for the FY ending June 30, 2011.
(Fiscal Impact)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101060 [Setting San Francisco Unified School District's Property Tax Rate to be Included in the City's Overall Property Tax Rate - FY2010-2011]
Sponsor: Avalos
Ordinance providing revenue and levying property taxes for San Francisco Unified School District purposes for the FY ending June 30, 2011.
(Fiscal Impact)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101061 [Setting San Francisco Bay Area Rapid Transit District's Property Tax Rate to be Included in the City's Overall Property Tax Rate - FY2010-2011]
Sponsor: Avalos
Ordinance providing revenue and levying property taxes for San Francisco Bay Area Rapid Transit District purposes for the FY ending June 30, 2011.
(Fiscal Impact)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101102 [Accept and Expend Grant - 2010 Disaster Corps Grant and Amendment to the Annual Salary Ordinance FY2010-2011 - $231,000]
Sponsor: Mayor
Ordinance authorizing the Department of Emergency Management to retroactively accept and expend a grant in the amount of $231,000 from California Volunteers for the grant period of 18 months following passage of the FY2010-2011 California State Budget for volunteer management and training; amending Ordinance No. 191-10 (Annual Salary Ordinance FY2010-2011) to reflect the addition of one Class 5277 Planner I at the San Francisco Fire Department.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

From the Budget and Finance Committee Without Recommendation

Supervisor Alioto-Pier Excused from Voting

Supervisor Mar, seconded by Supervisor Campos, moved that Supervisor Alioto-Pier be excused from voting on File No. 100865. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

100865 [Establishing an Alcohol Cost Recovery Fee]

Sponsors: Avalos; Mirkarimi, Maxwell, Mar, Daly and Campos

Ordinance amending the San Francisco Administrative Code, Chapter 106, by adding Sections 106 through 106.28, to impose a fee on alcoholic beverage wholesalers and certain other persons who distribute or sell alcoholic beverages in San Francisco to: 1) recover a portion of San Francisco's alcohol-attributable unreimbursed health costs, and; 2) fund administration costs.

Supervisors Daly and Campos requested to be added as co-sponsors.

Supervisor Avalos, seconded by Supervisor Mar, moved that this Ordinance be AMENDED to: (1) Amend Section 106.7(a) to clarify that where a wholesaler sells alcoholic beverages to a retailer at a location outside the City, and the retailer then resells those beverages at a location within the City, the retailer would be responsible for paying the fee in those circumstances unless it can demonstrate that the Wholesaler already paid the fee for those beverages; (2) Add a new subsection (a) to Section 106.16 that would authorize the Controller to adjust the fee annually to reflect changes in the Consumer Price Index; and (3) Amend Section 106.16 to provide that, pursuant to the Controller's biannual review of the fee, the Controller would be authorized to decrease the fee in order to ensure the City does not recover more than its eligible costs, but not increase the fee. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved that this Ordinance be AMENDED to: (1) Add a new subsection (f) to Section 106.7 regarding quarterly exclusion up to $1,000; and (2) Add language to Section 106.10(b) to clarify that the Tax Collector shall promulgate rules to implement the quarterly exclusion. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 3 - Chu, Dufty, Elsbernd
Excused: 1 - Alioto-Pier

Recommendations of the Land Use and Economic Development Committee

100880 [Landmark Tree Designation of Redwood Tree Located at 46 Stillings Avenue]
Sponsors: Dufty; Daly

Ordinance designating the redwood tree (sequoia sempervirens) located at 46 Stillings Avenue (Assessor's Block No. 6734, Lot No. 023) as a landmark tree pursuant to Public Works Code Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation.

Supervisor Daly requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101005 [Exceptions to Seismic Safety Loan Program Requirements to Allow for a $15,000,000 Loan to Arlington Residence - 480 Ellis Street]
Sponsors: Chu; Alioto-Pier

Ordinance approving exceptions to requirements of the Seismic Safety Loan Program pursuant to San Francisco Administrative Code Sections 66 and 66A and the Program Regulations, dated May 2006, adopted by the Board of Supervisors through Ordinance No. 122-06, to allow for a $15,000,000 Seismic Safety Loan Program loan for an existing affordable housing project at the Arlington Residence, 480 Ellis Street, San Francisco, California.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100870 [Establishing an Area Plan Infrastructure Finance Committee]
Sponsor: Maxwell

Resolution establishing an Area Plan Infrastructure Finance Committee to supervise a consultant study to develop policy criteria and recommendations on the use of Infrastructure Finance Districts (IFDs) in newly adopted area plans, including within the Eastern Neighborhoods Area Plans, to determine the appropriate steps to form IFDs, and to supervise the formation of a pilot Infrastructure Finance District in Rincon Hill.

Resolution No. 432-10

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Rules Committee

100472 [Access Appeals Commission - Notice to the Mayor's Office of Disability]
Sponsor: Alioto-Pier

Ordinance amending the San Francisco Building Code by adding Section 105A.3.10 to require that an agenda and packet of materials for each matter to be decided by the Access Appeals Commission shall be sent to the Mayor's Office of Disability at the same time and in the same manner as they are sent to the Commission members.

PASSED, ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved to rescind the previous vote. The motion carried by the following vote:
Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 2 - Alioto-Pier, Elsbernd

Supervisor Dufty, seconded by Supervisor Campos, moved that this Ordinance be CONTINUED ON FIRST READING to October 19, 2010. The motion carried by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 2 - Alioto-Pier, Elsbernd

091408 [Approving Settlement of Unlitigated Claim Against the City by Comcast]
Sponsor: Mirkarimi

Resolution approving settlement of an unlitigated claim made by Comcast Cable Communications, LLC, against the City and County of San Francisco.

Resolution No. 433-10

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 2:30 P.M.

101027 [Public Hearing - Appeal of Final Environmental Impact Report for 935-965 Market Street (aka CityPlace)]

Hearing of persons interested in or objecting to the decision of the Planning Commission's July 8, 2010, Certification of a Final Environmental Impact Report identified as Planning Case No. 2005.1074E, through its Motion No. 18135, for a proposed retail shopping center (aka CityPlace) to demolish three existing mixed-use commercial and office buildings and construct a new five-story, approximately 90-foot tall building, containing approximately 375,700 gross square feet and approximately 188 off-street parking spaces in a two-story underground garage, with three levels below grade, one for retail use and the other two for parking, at 935-965 Market Street, between Fifth and Sixth Streets within the C-3-G (Downtown General Commercial) and C-3-G (Downtown Retail) Zoning Districts and a 120-X Height and Bulk District, Lot Nos. 071, 072, and 073, in Assessor's Block No. 3704. (District 6) (Appellant: Arthur D. Levy on behalf of Livable City and Walk San Francisco.)
(Filed July 28, 2010; Companion to File Nos. 101028, 101029, 101030.)

The President inquired as to whether any member of the public wished to address the Board. Arthur Levy, Tom Radulovich, and Vernice Chancey (Appellants) provided an overview of the appeal and further requested the Board to approve the appeal. Andy Cohen; Mike Ellinger; Susan Chin; James Johnitis; Elizabeth Sams; Howard Wong; Walter Paulson; spoke in support of the appeal. There were no other speakers in support of the appeal. Debra Dwyer and Bill Wycko (Planning Department) provided details of the project and responded to questions raised throughout the discussion. Tim Abrahms (Project Sponsor) provided details of the project and further requested the Board to uphold the decision of the Planning Commission. Reynold Briens; Dan Conrad; Tim Brown; Joe Coppel; Don Falk; Eileen Ward; Jesse Ochoa; Linda Mjellem; Greg Holland; Stan Herzstein; Art Evans; Joe Landini; David Addington; Male Speaker; Bob Meyers; Elvin Padilla; Jesus Villalobos; Male Speaker; Manny Flores; spoke in support of the project and in opposition to the appeal. There were no other speakers in support of the project. Arthur Levy (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

Supervisor Alioto-Pier was noted absent at 5:20 p.m. for the remainder of the meeting.
Supervisor Elsbernd was noted absent at 6:20 p.m. for the remainder of the meeting.

HEARD AT PUBLIC HEARING

101028 [Affirming the Certification of the 935-965 Market Street Project Final Environmental Impact Report]

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 935-965 Market Street Project. (Clerk of the Board)

Motion No. M10-133

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 2 - Alioto-Pier, Elsbernd

101029 [Reversing the Certification of the 935-965 Market Street Project Final Environmental Impact Report]

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 935-965 Market Street Project. (Clerk of the Board)

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 2 - Alioto-Pier, Elsbernd

101030 [Preparation of Findings to Reverse Certification of the 935-965 Market Street Project Final Environmental Impact Report]

Motion directing the Clerk of the Board to prepare findings reversing the certification of the Final Environmental Impact Report for the 935-965 Market Street Project. (Clerk of the Board)

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be APPROVED. The motion carried by the following vote:
Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 2 - Alioto-Pier, Elsbernd

Pursuant to the actions of File Nos. 101028 and 101029, this matter is TABLED BY OPERATION OF LAW.

SPECIAL ORDER 2:30 P.M.

101041 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 10 Bernal Heights Boulevard]

Hearing of persons interested in or objecting to the decision of the Planning Commission's July 1, 2010, Determination of Exemption from Environmental Review identified as Planning Case No. 2010.0306C, by its Motion No. 18131, which included the exemption determination, that a project located at 10 Bernal Heights Boulevard is exempt from environmental review under California Environmental Quality Act (CEQA) Guidelines Sections 15301 Class (1), 15303 (Class 3), and 15311 (Class 11), to install a wireless telecommunications facility consisting of five internet exchange switch antennas on an existing 50-foot tall communications tower at the top of the hill in Bernal Heights Park within an RH-1(D) (Residential, House, Single-Family, Detached) Zoning District and a 40-X Height and Bulk District, on property located at 10 Bernal Heights Boulevard, Lot No. 003, in Assessor's Block No. 5548. (District 9) (Appellant: Erick Arguello on behalf of the Lower 24th Street Merchant Association.)
(Filed August 2, 2010; Companion Measure to File Nos. 101042, 101043, 101044.)

The President inquired as to whether any member of the public wished to address the Board relating to the proposed continuance to September 28, 2010. There were no speakers. The President continued the public hearing open to September 28, 2010.

Supervisor Maxwell, seconded by Supervisor Campos, moved that this Hearing be CONTINUED to September 28, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101042 [Affirming the Exemption Determination for 10 Bernal Heights Boulevard]
Motion affirming the determination by the Planning Commission that the project located at 10 Bernal Heights Boulevard is exempt from environmental review. (Clerk of the Board)

Supervisor Maxwell, seconded by Supervisor Campos, moved that this Motion be CONTINUED to September 28, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101043 [Reversing the Exemption Determination Issued for 10 Bernal Heights Boulevard]
Motion reversing the determination by the Planning Commission that the 10 Bernal Heights Boulevard project is exempt from environmental review. (Clerk of the Board)

Supervisor Maxwell, seconded by Supervisor Campos, moved that this Motion be CONTINUED to September 28, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101044 [Preparation of Findings to Reverse the Exemption Determination for the 10 Bernal Heights Boulevard Project]
Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Commission that the project located at 10 Bernal Heights Boulevard is exempt from environmental review. (Clerk of the Board)

Supervisor Maxwell, seconded by Supervisor Campos, moved that this Motion be CONTINUED to September 28, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 2:30 P.M.

101045 [Public Hearing - Conditional Use Appeal for 10 Bernal Heights Boulevard]
Hearing of persons interested in or objecting to the decision of the Planning Commission's July 1, 2010, Conditional Use Permit identified as Planning Case No. 2010.0306C, by its Motion No. 18131, under Planning Code Sections 209.6(b) and 303, to install a wireless telecommunications facility consisting of five internet exchange switch antennas on an existing 50-foot tall communications tower at the top of the hill in Bernal Heights Park and to modify the Conditional Use approval under Case No. 2008.1157C to change the number of allowed antennas on the site within the RH-1(D) (Residential, House, Single-Family, Detached) Zoning District, and a 40-X Height and Bulk District, on property located at 10 Bernal Heights Boulevard, Lot No. 003, in Assessor's Block No. 5548. (District 9) (Filed by Erick Arguello on behalf of the Lower 24th Street Merchant Association, and subscribed by Supervisors Campos, Mar, Chiu, Chu, Mirkarimi, and Avalos.)
(Filed August 2, 2010; Companion Measure to File Nos. 101046, 101047, 101048.)

The President inquired as to whether any member of the public wished to address the Board relating to the proposed continuance to September 28, 2010. There were no speakers. The President continued the public hearing open to September 28, 2010.

Supervisor Maxwell, seconded by Supervisor Campos, moved that this Hearing be CONTINUED to September 28, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101046 [Approving Planning Commission Decision Related to Conditional Use Appeal for 10 Bernal Heights Boulevard]

Motion approving the decision of the Planning Commission, by its Motion No. 18131, approving Conditional Use Application No. 2010.0306C on property located at 10 Bernal Heights Boulevard, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Maxwell, seconded by Supervisor Campos, moved that this Motion be CONTINUED to September 28, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101047 [Disapproving Planning Commission Decision Related to Conditional Use Appeal for 10 Bernal Heights Boulevard]

Motion disapproving the decision of the Planning Commission, by its Motion No. 18131, approving Conditional Use Application 2010.0306C on property located at 10 Bernal Heights Boulevard, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Maxwell, seconded by Supervisor Campos, moved that this Motion be CONTINUED to September 28, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101048 [Preparation of Findings Related to the Conditional Use Appeal for 10 Bernal Heights Boulevard]

Motion directing the Clerk of the Board to prepare findings relating to the proposed Conditional Use Application No. 2010.0306C on property located at 10 Bernal Heights Boulevard. (Clerk of the Board)

Supervisor Maxwell, seconded by Supervisor Campos, moved that this Motion be CONTINUED to September 28, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 2:30 P.M.

101087 [Public Hearing - Conditional Use Appeal for 3150 California Street]

Hearing of persons interested in or objecting to the decision of the Planning Commission's July 8, 2010, Conditional Use Permit identified as Planning Case No. 2010.0357C, by its Motion No. 18139, under Planning Code Sections 303 and 703.3 to allow a Formula Retail Use (dba Pet Food Express) in an NC-2 (Neighborhood Commercial, Small Scale) District and a 40-X Height and Bulk District, on property located at 3150 California Street, Lot No. 013, in Assessor's Block No. 1022. (District 2) (Filed by Susan Landry on behalf of The Animal Connection II, and subscribed by Supervisors Mar, Maxwell, Avalos, Campos, and Chiu)
(Filed August 6, 2010; Companion Measure to File Nos. 101088, 101089 and 101090)

The President inquired as to whether any member of the public wished to address the Board. Susan Landry, Bobby Wise, and Kathleen Dooley (Appellants) provided an overview of the appeal and further requested the Board to approve the appeal. Janet Clyde; Shireen Nyolen; Maureen Murray; Eric Brooks; Otto Duffy; Amy Bearg; John Trojan; Andy Farriester; Walter Paulson; Debra Leow; Pamela Habel; Mr. White; spoke in support of the appeal. There were no other speakers in support of the appeal. John Rahaim, Planning Department Director, and Tara Sullivan (Planning Department) provided details of the project and responded to questions raised throughout the discussion. Sean Moore, Michael Levy, and Mike Murray (Project Sponsors) provided details of the project and further requested the Board to uphold the decision of the Planning Commission. Louise Tully; Bob Tandler; Emily Scott Pottruck; Marcy Schaaf; Diane Bode; Joyce Lively; Alexandra Dixon; Deborah Heller; Rebecca Katz, Animal Care and Control Director; Phillip Praugge; Female Speaker; Michael Williams; spoke in support of the project and in opposition to the appeal. There were no other speakers in support of the project. Peter Weaver (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

101088 [Approving Planning Commission Decision Related to Conditional Use Appeal for 3150 California Street]

Motion approving the decision of the Planning Commission, by its Motion No. 18139, approving Conditional Use Application 2010.0357C on property located at 3150 California Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Motion be APPROVED. The motion FAILED by the following vote:
Ayes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell
Noes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101089 [Disapproving Planning Commission Decision Related to Conditional Use Appeal for 3150 California Street]

Motion disapproving the decision of the Planning Commission, by its Motion No. 18139, approving Conditional Use Application 2010.0357C on property located at 3150 California Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Motion be TABLED. The motion FAILED by the following vote:

Ayes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell

Noes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101090 [Preparation of Findings Related to the Conditional Use Appeal for 3150 California Street]

Motion directing the Clerk of the Board to prepare findings relating to the proposed Conditional Use Application No. 2010.0357C on property located at 3150 California Street. (Clerk of the Board)

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Motion be TABLED. The motion FAILED by the following vote:

Ayes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell

Noes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Alioto-Pier, seconded by Supervisor Mar, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Alioto-Pier introduced, welcomed, and presented a Certificate of Honor to Caesar Caiati in celebration of his 100th birthday.

Supervisors Mar and Mirkarimi introduced, welcomed, and presented a Certificate of Honor to Reese Erlich, freelance journalist, in recognition of his accomplishments and continued community support.

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns in Arabic and English.
James Chaffee; expressed concerns relating to the SF Public Library.
Walter Paulson; shared in song certain concerns with the Board.
Male Speaker; expressed various concerns relating to human rights and Iran.
Male Speaker; expressed various religious concerns.

Supervisor Daly was noted absent at 6:53 p.m.; was noted present at 7:04 p.m.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

101111 [Application for Grant - Augmenting the Greening and Storm Water Features of the Cesar Chavez Street Redesign Project]
Sponsor: Campos
Resolution authorizing the San Francisco Planning Department to apply for a grant from the State of California Sustainable Communities Planning Grant and Incentives Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) to augment the greening and storm water features of the Cesar Chavez Street Redesign Project.

Resolution No. 424-10

ADOPTED

101112 [Accept and Expend Grant - Web Based Recycling, Reuse, and Disposal Options - $25,000]
Sponsor: Mayor
Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of $25,000 from the County of Alameda to serve as the lead in the creation a web-based application that enables the public to easily find accurate information about nearby recycling, reuse, and disposal options.

Resolution No. 429-10

ADOPTED

101113 [Application for Grant - Construction of HillPoint Park Open Space Project]
Sponsors: Mayor; Maxwell
Resolution approving the application for grant funds for the Urban Greening Grant Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River, and Coastal Protection Bond Act of 2006 (Proposition 84) for construction of the HillPoint Park Open Space Project.

Resolution No. 425-10

ADOPTED

101114 [Application for Grant - Strategic Growth Council Sustainable Communities - Greenway Network Plan]
Sponsor: Mayor
Resolution authorizing the San Francisco Planning Department to apply for a planning grant from the State of California Sustainable Communities Planning Grant and Incentives Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River, and Coastal Protection Bond Act of 2006 (Proposition 84) to complete a Greenway Network Plan.

Resolution No. 423-10

ADOPTED

101117 [Commending London N. Breed]
Sponsor: Mirkarimi
Resolution commending and expressing appreciation to London N. Breed for her services upon the occasion of her departure from her position as Commissioner of the Redevelopment Agency of the City and County of San Francisco.

Resolution No. 422-10

ADOPTED

101123 [Proclaiming September 14, 2010, as Reese Erlich Day]
Sponsors: Mar; Mirkarimi
Resolution honoring Reese Erlich and proclaiming September 14, 2010, to be "Reese Erlich Day."

Resolution No. 420-10

ADOPTED

101035 [Supporting the Litigation Challenging the Constitutionality of the Federal "Don't Ask, Don't Tell" Policy]
Sponsors: Dufty; Campos, Mar and Avalos
Resolution supporting the litigation Log Cabin Republicans v. United States of America currently on trial before U.S. District Court for the Central District of California (Riverside), with Judge Virginia A. Phillips in Riverside presiding, challenging the constitutionality of the federal "Don't Ask, Don't Tell" Policy.

Supervisors Mar and Avalos requested to be added as co-sponsors.

Resolution No. 421-10

ADOPTED

101038 [Celebration of the Mexican Bicentennial and Centennial Celebrations]
Sponsors: Campos; Avalos
Resolution celebrating the birth and independence of Mexico, honoring the relationship between San Francisco and Mexico, and appreciating the contributions that San Franciscans of Mexican descent make to the culture and prosperity of the city as well as struggles for justice and equality.

Supervisor Avalos requested to be added as a co-sponsor.

Resolution No. 428-10

ADOPTED

101039 [Commending San Francisco Crisis Care on the Occasion of its Ray of Hope Charity Gala Reception 2010]
Sponsor: Alioto-Pier
Resolution commending San Francisco Crisis Care on the occasion of its Ray of Hope Charity Gala Reception 2010 benefitting the people of San Francisco.

Resolution No. 418-10

ADOPTED

101040 [Declaring September 28, 2010, as Dr. Marguerite Rubenstein Day]
Sponsor: Dufty
Resolution declaring September 28, 2010, as Dr. Marguerite Rubenstein Day in San Francisco to recognize her commitment to health education and her lifelong service to San Francisco.

Resolution No. 419-10

ADOPTED

101130 [Final Map 5045 - 575 Sutter Street]
Motion approving Final Map 5045, a 14 Commercial Unit Condominium Project, located at 535 Sutter Street being a subdivision of Lot No. 013 in Assessors Block No. 0296 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

Motion No. M10-135

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 2 - Alioto-Pier, Elsbernd

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Mirkarimi requested that File Nos. 100118 and 100119 be severed so that they may be considered separately.

101118 [Initiative Constitutional Amendment - Opposing Proposition 26, Which "Requires that Certain State and Local Fees be Approved by Two-Thirds Vote"]
Sponsors: Mirkarimi; Mar and Avalos
Resolution opposing Proposition 26, Initiative Constitutional Amendment, which requires that certain state and local fees be approved by two-thirds vote; fees include those that address adverse impacts on society or the environment caused by the fee-payer's business.

Supervisors Mar and Avalos requested to be added as co-sponsors.

Resolution No. 427-10

ADOPTED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 2 - Alioto-Pier, Elsbernd

101119 [Urging the United States Department of State to Condemn the Government of Iran for Sentencing Sakineh Mohammadi Ashtiani to Death by Stoning]
Sponsor: Mirkarimi
Resolution urging the United States Department of State to condemn the Government of Iran under Supreme Leader Ayatollah Ali Khamenei for sentencing Sakineh Mohammadi Ashtiani to death by stoning for the crime of "adultery while being married."

Resolution No. 430-10

ADOPTED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 2 - Alioto-Pier, Elsbernd

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or the Mayor

Ordinances

101140 [Cigarette Litter Abatement Fee - Timing and Standards for Controller's Review and Adjustment]
Sponsor: Mayor
Ordinance amending Section 105.3 of the San Francisco Administrative Code to change the timelines and standards under which the Controller is directed to review and adjust the Cigarette Litter Abatement Fee.

09/14/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101154 [Accept and Expend Grant - Office of the Public Defender - Rosenberg Foundation and Amendment to the Annual Salary Ordinance FY2010-2011 - $47,000]
Sponsor: Mirkarimi
Ordinance authorizing the Office of the Public Defender to accept and expend a grant in the amount of $47,000 from the Rosenberg Foundation, via Institute for Local Governance, to develop a California Reentry Council Network to assist in the development of statewide capacity to improve reentry policies and programs, and amending Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect addition of one (1) Class 1406 Senior Clerk, grant-funded position (0.615 FTE), and one (1) temporary Class 8173 Legal Assistant, grant-funded position (0.118 FTE), in the Office of the Public Defender.

09/14/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101155 [Administrative Code - Open Data Policy]
Sponsor: Mayor
Ordinance amending the San Francisco Administrative Code to add Section 22D to establish the City's Open Data policy and require City departments to make appropriate data available to the public.

09/14/10; ASSIGNED UNDER 30 DAY RULE to Government Audit and Oversight Committee.

101156 [Memorandum of Understanding, Amendment No. 2 - Service Employees International Union, Local 1021 (H-1 Fire Rescue Paramedics)]
Sponsor: Mayor
Ordinance adopting and implementing Amendment No. 2 to the 2007-2012 Memorandum of Understanding between the City and County of San Francisco and Service Employees International Union, Local 1021, H-1 Fire Rescue Paramedics, by extending the term of the parties' agreement through June 30, 2013, and by implementing specified terms and conditions of employment for FYs 2010-2011, 2011-2012, and 2012-2013.

09/14/10; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

101157 [Administrative Code - Updating Provisions Consistent with State and Local Law and Related Clean-Up Provisions on Employee Relations]
Sponsor: Mayor
Ordinance amending Section 16.200 through Section 16.222 of the San Francisco Administrative Code regarding Employee Relations to update provisions consistent with state and local law and related clean-up provisions.

09/14/10; ASSIGNED UNDER 30 DAY RULE to Government Audit and Oversight Committee, expires on 10/14/2010.

101158 [Taxable and/or Tax Exempt Certificates of Participation (HOPE SF) - Not to Exceed $38,000,000]
Sponsor: Mayor
Ordinance authorizing the execution and delivery of Taxable and/or Tax Exempt Certificates of Participation (HOPE SF) in an aggregate principal amount not to exceed $38,000,000 to finance certain capital improvement projects; approving the form of a Trust Agreement between the City and County of San Francisco and the trustee (including certain indemnities contained therein); granting authorization for the selection of a trustee; approving the form of a Property Lease between the City and the Trustee named therein relating to certain property generally known as the Mission Police Station, certain property generally known as the Bayview Station of the San Francisco Police Department and certain other City-owned property; approving the form of a Project Lease between the City and the Trustee (including certain indemnities contained therein); delegating to the Director of Public Finance the authority to sell the Certificates of Participation by either a competitive or negotiated sale; approving the form of an Official Notice of Sale and a Notice of Intention to Sell the Taxable and/or Tax Exempt Certificates of Participation (HOPE SF), if sold by competitive sale; authorizing certain actions relating to the Taxable and/or Tax Exempt Certificates of Participation (HOPE SF), if sold by negotiated sale including approving the form of a Purchase Contract between the City and an underwriter named therein; approving the form of an Official Statement in preliminary form; approving the form of a Continuing Disclosure Certificate; granting general authority to City officials to take necessary actions in connection with the authorization, sale, execution and delivery of the Taxable and/or Tax Exempt Certificates of Participation (HOPE SF); approving modifications to documents; and ratifying previous actions taken in connection therewith.
(Fiscal Impact.)

09/14/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101159 [Taxable and/or Tax Exempt Certificates of Participation for Various Capital Improvements - Not to Exceed $48,000,000]
Sponsor: Mayor
Ordinance authorizing the execution and delivery of Certificates of Participation in an aggregate principal amount not to exceed $48,000,000 to finance the acquisition, construction, improvement and installation of certain street improvements and of various disability access improvement projects; approving the form of a Second Supplement to Trust Agreement between the City and County of San Francisco and the Trustee named therein (including certain indemnities contained therein); approving the form of a Second Supplement to Property Lease between the City, as lessor, and the Trustee, as lessee; approving the form of a Second Supplement to Project Lease between the Trustee, as lessor, and the City, as lessee; approving the form of an Official Notice of Sale and Notice of Intention to Sell for the Certificates of Participation, if sold by competitive sale; authorizing certain actions relating to the Certificates of Participation, if sold by negotiated sale; delegating to the Director of Public Finance the authority to sell the Certificates of Participation by either a competitive or negotiated sale; approving the form of a Purchase Contract between the City and the underwriter(s) selected in accordance herewith, if the Certificates of Participation are sold by negotiated sale; approving the form of an official statement in preliminary and final form; approving the form of a Continuing Disclosure Certificate; granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of the Certificates of Participation; approving modifications to documents; and ratifying previous actions taken in connection therewith.
(Fiscal Impact.)

09/14/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101178 [Honoring Local Restaurants During Restaurant Appreciation Month]
Sponsors: Alioto-Pier; Mar
Ordinance amending the San Francisco Health Code by adding Section 456.7 requiring the San Francisco Health Department to declare one month out of the year "Restaurant Appreciation Month" to honor certain local restaurants and to create an application and selection process to identify qualifying restaurants.

09/14/10; ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee.

100675 [Zoning - Presidio-Sutter Special Use District at 800 Presidio Avenue]
Sponsor: Alioto-Pier
Ordinance amending the San Francisco Planning Code by adding Section 259.53 to establish the Presidio-Sutter Special Use District for property at 800 Presidio Avenue (Assessor's Block No. 1073, Lot No. 13); amending Sheet HT03 of the Zoning Map to change the Height and Bulk District from 40-X to 55-X and amending Sheet SU-03 of the Zoning Map to reflect the boundaries of the Presidio-Sutter Special Use District; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

05/25/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 6/24/2010.

06/02/10; REFERRED TO DEPARTMENT.

07/07/10; RESPONSE RECEIVED.

09/14/10; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

101099 [Business and Tax Regulations Code - Common Administrative Provisions; Parking Tax; Business Registration]
Sponsors: Mirkarimi; Dufty
Ordinance amending the San Francisco Business and Tax Regulations Code by: (1) amending Article 6 (Common Administrative Provisions) to revise provisions relating to: certificates of authority to collect third-party taxes; prepayment and remittance requirements for hotel and parking operators; enforcement procedures and penalties; and to otherwise clarify and update the provisions of Article 6; (2) amending Article 9 (Tax on Occupancy of Parking Space in Parking Stations), Article 10 (Utility Users Tax), and Article 12 (Business Registration), to lengthen the time period that service suppliers must preserve records from 4 years to 5 years and to extend the payment date of the registration certificate; and (3) repealing Sections 608 through 608.8 of Article 9 (Tax on Occupancy of Parking Space in Parking Stations); and (4) amending the San Francisco Administrative Code by amending Article XIII (Funds), Chapter 10 (Finance, Taxation, and Other Fiscal Matters), to correct references to the California Government Code.

08/10/10; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 9/9/2010.

09/14/10; SUBSTITUTED AND ASSIGNED to Budget and Finance Committee.

101100 [Business and Tax Regulations Code - Adding to the Definition of "Control," Revising the Enforcement Authority, and Making Other Nonsubstantive Changes]
Sponsors: Mirkarimi; Dufty
Ordinance amending Article 22 of the Business and Tax Regulations Code by amending Sections 2201 through 2210, 2215, 2216, 2218, 2220, 2225, 2226, 2229, 2230, 2232, and 2233 and repealing Sections 2217, 2223, 2224, and 2237, to establish a presumption that certain operators, signatories and owners control the business affairs of the parking station, revise the Enforcing Agency's authority to permit the use of all authority granted by law and by Article 6 of this Code, and make other nonsubstantive changes.

08/10/10; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 9/9/2010.

09/14/10; SUBSTITUTED AND ASSIGNED to Budget and Finance Committee.

Resolutions

100991 [Resolution of Intention to Form the Ocean Avenue Community Benefits District]
Sponsor: Avalos
Resolution (1) declaring the intention of the Board of Supervisors to establish a property-based business improvement district (community benefit district) to be known as the "Ocean Avenue Community Benefits District," and levy a multi-year assessment on identified parcels in the district; (2) approving the management district plan and engineer's report and proposed boundaries map for the district; (3) ordering and setting a time and place for a public hearing thereon; (4) approving the form of the Notice of Public Hearing and Assessment Ballots; and (5) directing the Clerk of the Board of Supervisors to give notice of the public hearing and balloting as required by law.

09/14/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101131 [Board Response to the 2009-2010 Civil Grand Jury Report Entitled "Pension Tsunami: The Billion Dollar Bubble"]
Sponsor: Mar
Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2009-2010 Civil Grand Jury Report Entitled "Pension Tsunami: The Billion Dollar Bubble" and urging the Mayor to cause the implementation of accepted findings and recommendations through his/her department heads and through the development of the annual budget. (Clerk of the Board)

09/03/10; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

101160 [Accept and Expend Grant - Department of Public Health - Pierce's Disease Control and Organic Program - $128,916.32]
Sponsor: Alioto-Pier
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively two grants (Agreements Nos. 10-0347 and 10-153) totaling $128,916.32 from the California Department of Food and Agriculture (CDFA) to fund the Pierce's Disease Control Program for the period of July 1, 2010, through June 30, 2012, and the Organic Program for the period of July 1, 2010, through June 30, 2011.

09/14/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

101161 [Construction Agreement for 1150 Ocean Avenue]
Sponsor: Elsbernd
Resolution approving an agreement and authorizing the Director of Planning to execute the agreement on behalf of the City and County of San Francisco in order to ensure the construction on-site of 26 inclusionary units in the mixed-use development proposed at 1150 Ocean Avenue (Lot No. 003 in Assessor's Block No. 3180).

09/14/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101162 [Accept and Expend Grant - Department of Public Health - Project for Assistance in Transition from Homelessness - $631,739]
Sponsor: Dufty
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the United States Department of Health and Human Services in the amount of $631,739 to fund the project entitled "Project for Assistance in Transition from Homelessness" for the period July 1, 2010, through June 30, 2011.

09/14/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

101163 [Accept and Expend Grant - Department of Public Health - Community Risk Reduction Plan - $49,995]
Sponsors: Maxwell; Mar
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $49,995 from the Bay Area Air Quality Management District, to support a project entitled "Community Risk Reduction Plan" for the period of July 1, 2010, through December 30, 2011.

09/14/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

101164 [Employment Policies and Procedures Regarding Criminal History]
Sponsor: Mayor
Resolution authorizing the City and County of San Francisco access to state and federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation.

09/14/10; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

101165 [Accept and Expend Grant - San Francisco Arts Commission - WritersCorps Program - $50,000]
Sponsor: Mayor
Resolution authorizing the San Francisco Arts Commission to retroactively accept and expend a grant in the amount of $50,000 from the National Endowment for the Arts Learning in the Arts for Children and Youth for general operating support for WritersCorps.

09/14/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101166 [Amendment to Fire Department Cooperative Agreement with the Navy]
Sponsor: Mayor
Resolution authorizing the San Francisco Fire Department to amend the Cooperative Agreement with the United States Navy to set the reimbursement rate for fire and emergency medical services to portions of the Hunters Point Shipyard for the period October 1, 2010, through September 30, 2011, and to accept and expend funds from the Navy as reimbursement for services under that Agreement.
(Fiscal Impact.)

09/14/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101167 [Accept and Expend Grant - Mayor's Office of Housing - Infill Infrastructure Program - $30,000,000]
Sponsor: Mayor
Resolution authorizing the Mayor's Office of Housing to enter into a standard agreement with the California State Department of Housing and Community Development to accept and expend $30,000,000 of Infill Infrastructure Grant Program funds; the execution of a loan agreement with the Project Sponsor for disbursement of grant funds; and the execution of any related documents necessary to participate in the Infill Infrastructure Grant Program.

09/14/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101168 [Urging Pacific Gas and Electric to Cooperate with the City's Request for Infrastructure Information]
Sponsors: Chu; Maxwell and Mirkarimi
Resolution urging Pacific Gas and Electric Company to cooperate completely and swiftly with all requests from the City Administrator and Fire Chief in a Utility Infrastructure Safety Review, and to provide all relevant City Departments with risk level and maintenance plan information for existing pipelines in San Francisco.

09/14/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101169 [Recognizing September 22, 2010, as "Please Don't Jump" Day to Promote Suicide Prevention]

Sponsors: Campos; Chiu and Dufty

Resolution recognizing September 22, 2010, as "Please Don't Jump" Day and urging the Golden Gate Bridge, Highway, and Transportation District staff and Board of Directors to continue its efforts to expeditiously construct a suicide barrier on the Golden Gate Bridge.

09/14/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101170 [Accept and Expend Grant - Susceptibility to Smoking Among Migrants in China - $4,901]

Sponsor: Mar

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $4,901 from the San Diego State University Research Foundation to support a project that will establish a Handheld Assisted Personal Interview system, including training and consultation for the period of September 17, 2009, through June 30, 2010. (Public Health Department)

09/14/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101171 [Local Support for Congestion Management Agency Block Grant Projects]

Sponsor: Mayor

Resolution of local support for four projects to be funded by $11,553,000 in federal Surface Transportation Program and/or Congestion Mitigation and Air Quality Improvement funds through the Metropolitan Transportation Commission's Congestion Management Agency Block Grant Program; committing the necessary non-federal match of $1,876,000; and stating assurance to complete the projects.

09/14/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101172 [Apply for Strategic Growth Council Sustainable Communities Planning Grant]

Sponsor: Mayor

Resolution authorizing the San Francisco Planning Department, in cooperation with the Mayor's Office of Housing, the San Francisco Municipal Transportation Agency, the San Francisco County Transportation Authority, and other Bay Area entities, to apply for a planning grant from the State of California Sustainable Communities Planning Grant and Incentives Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) to develop a Multi-City Bay Area Core Regional Growth and Investment Strategy.

09/14/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

101173 [Operation and Management of City Parking Facilities]
Sponsor: Campos
Hearing on the policies and procedures followed by the San Francisco Municipal Transportation Agency in awarding the contract for the operation and management of City parking facilities under Request for Proposal No. 2008/09-30.

09/14/10; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

101174 [City's Provision and Coordination of Services to Victims of Crime]
Sponsors: Chiu; Maxwell
Hearing to review the City's provision and coordination of services to victims of crime, including but are not limited to: (1) What support and services do City departments currently provide crime victims?; (2) How do various departments that interface with crime victims coordinate their activities?; (3) What are the gaps in the system that need to address, and what coordination needs to occur?; and (4) How can victim services be best provided in a culturally competent manner?

09/14/10; RECEIVED AND ASSIGNED to Public Safety Committee.

101175 [Controller's Report - Patrol Special Study Commissioned by the San Francisco Police Commission]
Sponsor: Dufty
Hearing on the Controller's report on Patrol Special Study commissioned by the San Francisco Police Commission.

09/14/10; RECEIVED AND ASSIGNED to Public Safety Committee.

101176 [Report on the Reliability in Gas and Electric Infrastructure in San Francisco]
Sponsor: Mar
Hearing and report on the reliability of and investment in gas and electric infrastructure in San Francisco by PG&E.

09/14/10; RECEIVED AND ASSIGNED to Public Safety Committee.

101177 [Maintenance and Safety Record of Pacific Gas and Electric Company Infrastructure]
Sponsor: Mirkarimi
Hearing to review the current state of maintenance and repair of PG&E's pipeline and electricity transmission infrastructure in San Francisco and to receive an update on actions to be taken by PG&E to mitigate safety risks and economic impact, including PG&E's plans for installing modern safety features such as automatic shutoff valves and leak-detection systems and monitoring of underground electrical vaults.

09/14/10; RECEIVED AND ASSIGNED to Public Safety Committee.

Introduced by the President at the Request of the Department

PROPOSED ORDINANCES

100697 [General Plan Amendments - Updating the Noise Maps of the Environmental Protection Element]

Ordinance amending the San Francisco General Plan by amending the Noise Maps of the Environmental Protection Element to reflect current conditions; making conforming text amendments; and making findings, including findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1, and environmental findings. (Planning Department)

08/11/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/14/2010.

100829 [Planning Code - Car-Share Controls]

Sponsors: Chiu; Mar and Maxwell

Ordinance amending the San Francisco Planning Code, including Section 151.1 to enable the Planning Commission to require the provision of annual memberships to certified car-share organizations to residents of certain new development projects when certain findings are made; Section 163 to promote car-share services as a component of transportation management programs and transportation brokerage services; and Section 166 to permit car-share spaces in the same manner as residential accessory parking and require that car-sharing requirements for non-residential uses apply to all zoning districts; adopting findings, including findings under Section 302 of the Planning Code, environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Department)

08/24/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/14/2010.

100878 [Fire Code - Repealing and Replacing]

Ordinance repealing the San Francisco Fire Code in its entirety and replacing that code with a new 2010 San Francisco Fire Code consisting of the 2010 California Fire Code and portions of the 2009 International Fire Code together with San Francisco amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and directing the Clerk of the Board to forward San Francisco's amendments to the California Building Standards Commission and State Fire Marshal; and making environmental findings. (Fire Department)

08/27/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/14/2010.

100910 [Settlement of Lawsuit - California Department of Fair Employment and Housing (Zimmerman) - $105,000]

Ordinance authorizing settlement of the lawsuit filed by the California Department of Fair Employment and Housing (Plaintiff), Linda Zimmerman (Real Party in Interest) against the City and County of San Francisco for $105,000, the lawsuit was filed on March 4, 2009, in San Francisco Superior Court, Case No. CGC-09-485723; entitled Department of Fair Employment and Housing (Zimmerman) v. City and County of San Francisco. (City Attorney)

08/04/10; RECEIVED AND ASSIGNED to Rules Committee.

100911 [Settlement of Lawsuit - Michael Lew - $90,000]

Ordinance authorizing settlement of the lawsuit filed by Michael Lew against the City and County of San Francisco for $90,000, including re-employment and restoration of vacation and sick leave; the lawsuit was filed on May 11, 2009, in San Francisco Superior Court, Case No. CGC-09-488262; entitled Michael Lew v. City and County of San Francisco, et al. (City Attorney)

08/04/10; RECEIVED AND ASSIGNED to Rules Committee.

100946 [Building Code - Repealing and Replacing]

Ordinance repealing the 2007 San Francisco Building Code in its entirety and replacing that Code with a new 2010 San Francisco Building Code that consists of the 2010 California Building Code and San Francisco amendments thereto; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7, and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

08/26/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/14/2010.

100950 [Building Code - Residential Building - Repealing and Replacing]

Ordinance incorporating the provisions of the 2010 California Residential Code into various chapters of the San Francisco Building Code with local amendments, and adding Chapter 36 to serve as a directory of where such provisions may be found in the San Francisco Building Code; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7, and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

08/26/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/14/2010.

100952 [Electrical Code - Repealing and Replacing]

Ordinance repealing the 2007 San Francisco Electrical Code in its entirety and replacing that code with a new 2010 San Francisco Electrical Code that consists of the 2010 California Electrical Code and San Francisco amendments thereto; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7, and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

08/26/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/14/2010.

101126 [Mechanical Code - Repealing and Replacing]

Ordinance repealing the 2007 San Francisco Mechanical Code in its entirety and replacing that code with a new 2010 San Francisco Mechanical Code that consists of the 2010 California Mechanical Code and San Francisco amendments thereto; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7, and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

08/26/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/14/2010.

101127 [Plumbing Code - Repealing and Replacing]
Ordinance repealing the 2007 San Francisco Plumbing Code in its entirety and replacing that code with a new 2010 San Francisco Plumbing Code that consists of the 2010 California Plumbing Code and San Francisco amendments thereto; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7, and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

08/26/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/14/2010.

101128 [Building Code - Green Building - Repealing and Replacing]
Ordinance repealing Chapter 13C of the San Francisco Building Code in its entirety and enacting a new Chapter 13C that consists of the 2010 California Green Building Standards Code with local amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and Public Resources Code Section 25402.1(h)(2), and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

08/26/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/14/2010.

100992 [General Plan - Portion of 222-2nd Street]
(Planning Department)

09/01/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/14/2010. 10/22/10 - 10-day notice published, mailed and posted.

100993 [Zoning Map - Portion of 222-2nd Street]
Ordinance amending the Zoning Map of the City and County of San Francisco by amending Zoning Map 1HT to change the height and bulk district classification of the west corner (within a rectangular area measuring 45 feet in length along the westernmost portion of the Howard Street frontage, to a depth of 82.5 feet) of the property located at 222-2nd Street (Assessor's Block No. 3735, Lot No. 063) from 150-S to 350-S and adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Department)

09/01/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/14/2010. 10/22/10 - 10-day notice was published, mailed and posted.

PROPOSED RESOLUTIONS

100526 [Gift Acceptance - Fire Department - Five Commercial Washer-Extractors - $44,000]
Resolution authorizing the San Francisco Fire Department to accept a gift from the San Francisco Firefighters' Cancer Prevention Foundation of five commercial washer-extractors valued at approximately $44,000 to clean personal protective equipment. (Fire Department)

08/18/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

100877 [Board Response to the 2009-2010 Civil Grand Jury Report Entitled "Sharing the Roadway: From Confrontation to Conversation"]

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2009-2010 Civil Grand Jury Report entitled "Sharing the Roadway: From Confrontation to Conversation" and urging the Mayor to cause the implementation of accepted findings and recommendations through department heads and through the development of the annual budget.

08/26/10; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

100894 [Increasing Contract with Xtech to $41,000,000]

Resolution authorizing the Office of Contract Administration to enter in the First Amendment between the City and Xtech (part of the Technology Store procurement vehicle), in which the amendment shall increase the contract amount from $24,000,000 to $41,000,000 and update certain standard contractual clauses. (Office of Contract Administration)
(Fiscal Impact.)

08/09/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100912 [Settlement of Lawsuit - Robin Leiter Cohen - $31,000]

Resolution approving the settlement of the unlitigated claim filed by Robin Leiter Cohen against the City and County of San Francisco for $31,000; claim was filed on September 4, 2009. (City Attorney)

08/04/10; RECEIVED AND ASSIGNED to Rules Committee.

100983 [Approve Modification of Lease - Airport Commission - Japan Airlines]

Resolution approving and authorizing the execution of Modification No. 1 to Lease No. L01-0297 with Japan Airlines Company Limited to reduce the demised premises and the annual rent at Building 944 on Plot 50B-1 at San Francisco International Airport. (Airport Commission)

08/26/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100984 [Public Utilities Commission - Memorandum of Agreement with the National Park Service - Not to Exceed $27,486,504]

Resolution approving the Memorandum of Agreement with the National Park Service for the Comprehensive Management of Yosemite National Park Watersheds that supply water to the San Francisco Regional Water System pursuant to Charter Section 9.118. (Public Utilities Commission) (Fiscal Impact.)

08/27/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100985 [Settlement of Anticipated Litigation - Bonneville Non-Exclusive Easement]

Resolution authorizing settlement of anticipated litigation to be filed by Bonneville International Corporation against the City and County of San Francisco for a non-exclusive easement on Bayview Hill for access to the radio tower owned by Bonneville. (City Attorney)

09/03/10; RECEIVED AND ASSIGNED to Rules Committee.

101036 [Contract with the State of California Office of Administrative Hearings to Provide Administrative Law Judges to Serve as Hearing Officers on Administrative Appeals]

Resolution authorizing the Department of Emergency Management to enter into a contract with the State of California Office of Administrative Hearings to provide administrative law judges to serve as hearing officers on administrative appeals from certification actions by the San Francisco Emergency Medical Services Agency. (Department of Emergency Management)

09/03/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from newsstands at the following locations:

San Francisco Bay Guardian
Southeast corner of Fillmore and Post
Southwest corner of Divisadero and Sutter
9th Avenue and Judah (near bus stops)
7th Avenue and Irving (near bus stops)
Northwest corner of Hayes and Fillmore
Southeast corner of Fillmore and Haight

San Francisco Chronicle
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore
Irving and 9th Avenue
Irving and 7th Avenue
Southwest corner of Haight and Clayton
Southeast corner of Haight and Masonic

Examiner
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore

SF Daily
Northwest corner of Hayes and Gough

City Star
Northwest corner of Hayes and Gough
Southeast corner of Fillmore and Haight

SF Weekly
Southeast corner of Masonic and Haight
Southeast corner of Haight and Fillmore

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti at the following private property locations:

901 Fell
208 Scott
799 Haight
546 Haight
798 Haight
901 Haight
1594 Waller
745 Buchanan (Korean Center on the Hayes Street side)
438 Haight
442 Haight
357 Haight
748 Haight

298 Buchanan
400 Duboce
595 Haight
370 Fillmore
587 Haight
555 Haight

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from utility poles located at the following locations:

Metal Pole
In front of 909 Haight
In front of 982 Fulton
Northeast corner Webster and Haight
Northeast corner Turk and Webster
Northwest corner Laguna and Haight

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the public property located at the following locations:

Utility Boxes
Southeast corner Buchanan and Fell

Bus Shelter
Southwest corner Divisadero and McAllister
Northeast corner Pierce and McAllister
Northeast corner Baker and McAllister
Northwest corner Laguna and Haight
Fillmore and Haight (all 4 bus stops, graffiti and grime and canopies are graffiti)

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of repairing potholes at the following locations:

Potholes and Sidewalk Issues
Intersection of Grove and Webster, on the west side of street

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti at the following locations:

Garbage Can
Northeast corner Eddy and Scott
Northeast corner Hayes and Broderick
Southwest corner Grove and Gough
Southwest corner Fell and Fillmore
Southwest corner Buena Vista East and Haight

Mailbox
Northwest corner Octavia and Haight
Southeast corner Post and Steiner

Northeast corner Scott and Haight
Southwest corner Divisadero and Fulton

In Memoriams

Jay Patterson - Supervisor Elsbernd
Kendra Fallon - Supervisors Dufty and Elsbernd
Liam Spiers - Supervisors Elsbernd and Chu
Eugene Yeager - Supervisors Elsbernd, Dufty and Maxwell
Douglas Paul Satterblom - Supervisor Dufty
Ed Moose - Supervisor Chiu
Recia Ann Young - Supervisor Chiu
Honorable Judge Desmond - Supervisor Elsbernd
Former Assemblyman Charles W. Meyers, Sr. - Entire Board
David William McElhatton - Supervisor Elsbernd
Louise James Ashley - Supervisors Maxwell, Dufty and Mirkarimi
Richard "Sweet Lips" Walters - Supervisors Dufty and Campos
Maura Tunney - Supervisor Chu
Mark Martin Morris III - Supervisor Dufty
Ernest Weil - Supervisor Dufty
Jaqueline and Janessa Greig - Entire Board
Marilyn He - Supervisor Chu
Steve Oliva - Supervisor Mirkarimi
Cecilia Ekemma Okoye-Dikeocha - Supervisor Mirkarimi
Joyce Suk Han Lau - Supervisor Mirkarimi
Nils Yannick Linke - Supervisor Mirkarimi
Waymon "Oliv" Olivier - Supervisor Mirkarimi
John Barnes - Supervisor Chiu
Kwong C. Choy - Supervisor Chiu

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 7:05 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on October 26, 2010.

Angela Calvillo, Clerk of the Board

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

GOVERNMENT
DOCUMENTS DEPT

DEC 16 2011

SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, September 21, 2010 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Elsbernd	Wednesday 11:00 AM
City and School District Select Committee Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, Avalos, Dufty	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mar, Chu, Maxwell	2nd and 4th Thursday 10:30 AM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Elsbernd	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Alioto-Pier, Mar	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:10 p.m. On the call of the roll, Supervisor Campos was noted absent. There was a quorum.

Supervisor Campos Excused from Voting

Supervisor Mar, seconded by Supervisor Elsbernd, moved that Supervisor Campos be excused from voting. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Campos

AGENDA CHANGES

There were none.

COMMUNICATIONS

President Chiu introduced and welcomed Mayor Gbamnan Djidan and visitors from our African Sister City of Abidjan, Ivory Coast. There were no other communications.

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

President, David Chiu, inquired if the Mayor would make an appearance before the Board of Supervisors. Starr Terrell, the Mayor's Liaison to the Board of Supervisors, indicated the Mayor would not be present.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

101058 **[Setting San Francisco's Property Tax Rate and Establishing Pass-Through Rate for Residential Tenants - FY2010-2011]**
Sponsor: Avalos
Ordinance providing revenue and levying property taxes for City and County purposes and establishing a pass-through rate for residential tenants pursuant to Chapter 37 of the Administrative Code for the FY ending June 30, 2011.
(Fiscal Impact)

Ordinance No. 235-10

FINALLY PASSED

101059 **[Setting San Francisco Community College District's Property Tax Rate to be Included in the City's Overall Property Tax Rate - FY2010-2011]**
Sponsor: Avalos
Ordinance providing revenue and levying property taxes for San Francisco Community College District purposes for the FY ending June 30, 2011.
(Fiscal Impact)

Ordinance No. 236-10

FINALLY PASSED

101060 **[Setting San Francisco Unified School District's Property Tax Rate to be Included in the City's Overall Property Tax Rate - FY2010-2011]**
Sponsor: Avalos
Ordinance providing revenue and levying property taxes for San Francisco Unified School District purposes for the FY ending June 30, 2011.
(Fiscal Impact)

Ordinance No. 237-10

FINALLY PASSED

101061 **[Setting San Francisco Bay Area Rapid Transit District's Property Tax Rate to be Included in the City's Overall Property Tax Rate - FY2010-2011]**
Sponsor: Avalos
Ordinance providing revenue and levying property taxes for San Francisco Bay Area Rapid Transit District purposes for the FY ending June 30, 2011.
(Fiscal Impact)

Ordinance No. 238-10

FINALLY PASSED

101102 [Accept and Expend Grant - 2010 Disaster Corps Grant and Amendment to the Annual Salary Ordinance FY2010-2011 - $231,000]

Sponsor: Mayor

Ordinance authorizing the Department of Emergency Management to retroactively accept and expend a grant in the amount of $231,000 from California Volunteers for the grant period of 18 months following passage of the FY2010-2011 California State Budget for volunteer management and training; amending Ordinance No. 191-10 (Annual Salary Ordinance FY2010-2011) to reflect the addition of one Class 5277 Planner I at the San Francisco Fire Department.

Ordinance No. 241-10

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

100294 [Liquor License Transfer - 715 Market Street]

Resolution determining that the transfer of a Type 21 off-sale general license from 50-3rd Street to 715 Market Street (District 6) to Zain H. Azzghayer for Zain's Fine Wine & Spirits will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Resolution No. 445-10

ADOPTED

100685 [Liquor License - 450-460 Powell Street]

Resolution determining that the issuance of a Type 21 off-sale general license to Dean Zain Azzghayer for Dean's, located at 450-460 Powell Street (District 3), will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Resolution No. 446-10

ADOPTED

100834 [Liquor License Transfer - 101-6th Street]

Resolution determining that the premise to premise transfer of a Type 48 on-sale general public premises liquor license from 101-6th Street to expansion of public occupancy into basement storage at 101-6th Street (District 6), to Mark E. Rennie for Playbar, Inc., dba The Room, will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Resolution No. 447-10

ADOPTED

100915 [Liquor License Transfer - 1530 Haight Street]
Resolution determining that the transfer of a Type 20 off-sale beer and wine liquor license from 2 Harrison Street to 1530 Haight Street (District 5) to Bobby Vardakastanis for Haight Street Market, Inc., dba Haight Street Market, will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Resolution No. 448-10

ADOPTED

100916 [Liquor License Transfer - 447 Battery Street]
Resolution determining that the transfer of a Type 42 on-sale beer and wine public premises liquor license from 620 Post Street to 447 Battery Street (District 3) to Alberto De Almeida, Jr., for Magellan Wine, LLC, dba The Hidden Vine Wine Bar, will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Resolution No. 449-10

ADOPTED

Recommendations of the Land Use and Economic Development Committee

100880 [Landmark Tree Designation of Redwood Tree Located at 46 Stillings Avenue]
Sponsors: Dufty; Daly
Ordinance designating the redwood tree (sequoia sempervirens) located at 46 Stillings Avenue (Assessor's Block No. 6734, Lot No. 023) as a landmark tree pursuant to Public Works Code Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation.

Ordinance No. 240-10

FINALLY PASSED

101005 [Exceptions to Seismic Safety Loan Program Requirements to Allow for a $15,000,000 Loan to Arlington Residence - 480 Ellis Street]
Sponsors: Chu; Alioto-Pier
Ordinance approving exceptions to requirements of the Seismic Safety Loan Program pursuant to San Francisco Administrative Code Sections 66 and 66A and the Program Regulations, dated May 2006, adopted by the Board of Supervisors through Ordinance No. 122-06, to allow for a $15,000,000 Seismic Safety Loan Program loan for an existing affordable housing project at the Arlington Residence, 480 Ellis Street, San Francisco, California.

Ordinance No. 242-10

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

101004 [Lease and License of Real Property at 1 Dr. Carlton B. Goodlett Place, Ground Floor Café and North Light Court]

Resolution authorizing the lease of 1,426 square feet of space, a license of 2,400 square feet and the shared use space of 1,360 square feet to the Elias M. Nasra and Family Partnership, a California general partnership, in City Hall located at 1 Dr. Carlton B. Goodlett Place. (Real Estate Department)

Resolution No. 443-10

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Excused: 1 - Campos

From the Budget and Finance Committee Without Recommendation

Supervisor Alioto-Pier Excused from Voting

Supervisor Elsbernd, seconded by Supervisor Dufty, moved that Supervisor Alioto-Pier be excused from voting on File No. 100865. The motion carried by the following vote:

Ayes: 9 - Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 2 - Alioto-Pier, Campos

100865 [Establishing an Alcohol Cost Recovery Fee]

Sponsors: Avalos; Mirkarimi, Maxwell, Mar, Daly and Campos

Ordinance amending the San Francisco Administrative Code, Chapter 106, by adding Sections 106 through 106.28, to impose a fee on alcoholic beverage wholesalers and certain other persons who distribute or sell alcoholic beverages in San Francisco to: 1) recover a portion of San Francisco's alcohol-attributable unreimbursed health costs, and; 2) fund administration costs.

FINALLY PASSED by the following vote:

Ayes: 6 - Avalos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 3 - Chu, Dufty, Elsbernd
Excused: 2 - Alioto-Pier, Campos

NEW BUSINESS

Recommendations of the Budget and Finance Committee

101051 [Approval to Implement Alternative Bid Process for Construction Trade Packages for the Renovation and Construction of the George S. Moscone Convention Center]
Ordinance authorizing the San Francisco Department of Public Works to implement an alternative bid process for construction trade packages and to award contracts for construction services, for the renovation of and capital improvements to the Moscone Convention Center. (Public Works Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

101140 [Cigarette Litter Abatement Fee - Timing and Standards for Controller's Review and Adjustment]
Sponsor: Mayor
Ordinance amending Section 105.3 of the San Francisco Administrative Code to change the timelines and standards under which the Controller is directed to review and adjust the Cigarette Litter Abatement Fee.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

101107 [Management Agreement for the Harding Park Golf Course]
Sponsor: Elsbernd
Resolution authorizing the Recreation and Park Department General Manager to enter into an agreement with Tournament Players Club of California, Inc., for management of clubhouse and golf operations at the Harding Park and Fleming Golf Courses, excluding course maintenance operations (Management Agreement), from October 1, 2010, to December 31, 2019, pursuant to San Francisco Charter Section 9.118, with the right to extend the term to coincide with any extension of the Master Tournament Agreement between the City and County of San Francisco and PGA Tour, Inc.
(Fiscal Impact.)

Resolution No. 435-10

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

Recommendation of the City Operations and Neighborhood Services Committee

100922 [Authorizing the Department of Public Health to Enter Into Contracts for Out-of-County Behavioral Health Services in the Foster Care System]
Sponsor: Mayor
Ordinance amending the San Francisco Administrative Code by amending Section 21.42 to authorize the Department of Public Health to contract for behavioral health services to children in the foster care system under the jurisdiction of the City and County of San Francisco and located outside of San Francisco, utilizing contracting language and forms mandated by the State of California under California Welfare and Institutions Code Section 5777.7.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

Recommendations of the Land Use and Economic Development Committee

100851 [Planning Code - Rehabilitation and Maintenance of Transfer Lots After Sale of Transferable Development Rights; Zoning Map and General Plan Map Amendments - 680 California Street (Old St. Mary's Cathedral)]
Sponsors: Chiu; Maxwell
Ordinance amending Section 128 of the San Francisco Planning Code to require that proceeds from the sale of Transferable Development Rights (TDR) be spent on rehabilitation and maintenance of the Transfer Lot property, to establish reporting procedures regarding the rehabilitation and maintenance, and to allow the sale of TDR from an individually landmarked building to any lot in a C-3 zoned district except Redevelopment Areas; amending the San Francisco Zoning Map by amending Zoning Use District Map ZN01 to change the use classification of 680 California Street (Old St. Mary's Cathedral), Block No. 0241, Lot Nos. 011 and 012, from Chinatown Visitor Retail District to C-3-0 District and making conforming amendments to the Chinatown and Downtown Area Plans of the San Francisco General Plan; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Department)

See File No. 101200.

Supervisor Chiu, seconded by Supervisor Mirkarimi, moved that this Ordinance be DUPLICATED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

Supervisor Chiu, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

Supervisor Chiu, seconded by Supervisor Mirkarimi, moved that this Ordinance be RE-REFERRED to the Land Use and Economic Development Committee. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

101200 [Planning Code - Preservation, Rehabilitation and Maintenance of Preservation Lots; Zoning Map and General Plan Map Amendments - 680 California Street (Old St. Mary's Cathedral)]

Ordinance amending Section 128 of the San Francisco Planning Code to require that proceeds from the sale of Transferable Development Rights (TDR) be spent on rehabilitation and maintenance of the Transfer Lot property, to establish reporting procedures regarding the rehabilitation and maintenance, and to allow the sale of TDR from an individually landmarked building to any lot in a C-3 zoned district except Redevelopment Areas; amending the San Francisco Zoning Map by amending Zoning Use District Map ZN01 to change the use classification of 680 California Street (Old St. Mary's Cathedral), Block No. 0241, Lot Nos. 011 and 012, from Chinatown Visitor Retail District to C-3-0 District and making conforming amendments to the Chinatown and Downtown Area Plans of the San Francisco General Plan; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

See File No. 100851.

Supervisor Chiu, seconded by Supervisor Mirkarimi, moved that this Resolution be DUPLICATED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

Supervisor Chiu, seconded by Supervisor Mirkarimi, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

Ordinance amending Section 128 of the San Francisco Planning Code to require that proceeds from the sale of Transferable Development Rights (TDR) be spent on preservation and rehabilitation of the Transfer Lot property, to establish reporting procedures regarding the preservation and rehabilitation, and to allow the sale of TDR from an individually landmarked building to any lot in a C-3 zoned district except Redevelopment Areas; amending the San Francisco Zoning Map by amending Zoning Use District Map ZN01 to change the use classification of 680 California Street (Old St. Mary's Cathedral), Block No. 0241, Lot Nos. 011 and 012, from Chinatown Visitor Retail District to C-3-0 District and making conforming amendments to the Chinatown and Downtown Area Plans of the San Francisco General Plan; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Supervisor Chiu, seconded by Supervisor Mirkarimi, moved that this Resolution be RE-REFERRED to the Land Use and Economic Development Committee. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

101056 [Banning the Sale of Tobacco Products in Pharmacies]

Sponsors: Mar; Dufty and Maxwell

Ordinance amending the San Francisco Health Code by amending Sections 1009.91 and 1009.92, by repealing Section 1009.93, and by re-numbering Sections 1009.94, 1009.95, 1009.96, 1009.97, 1009.98, and 1009.99, as Sections 1009.93, 1009.94, 1009.95, 1009.96, 1009.97, and 1009.98, respectively, all to eliminate the exemptions for general grocery stores and big box stores from the general ban on the sale of tobacco products in pharmacies.

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Avalos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd
Excused: 1 - Campos

101070 [Gift Acceptance - Building Bocce Courts in Justin Herman Plaza - $61,000]
Sponsor: Chiu
Resolution authorizing the Recreation and Park Department to accept a gift of labor and construction materials with a value of $61,000 from the Laborers Local 261 Community and Training Foundation to build two bocce courts on the lawn in Justin Herman Plaza.

Resolution No. 444-10

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Excused: 1 - Campos

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Chiu, seconded by Supervisor Avalos, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

Supervisor Chiu introduced, welcomed, and presented a Certificate of Honor to members of the Black Rock Arts Foundation in recognition of their accomplishments and continued community support.

SPECIAL ORDER 4:00 P.M.

101083 [Appeal of Determination of Exemption from Environmental Review for a Project Located at 2514-23rd Avenue]
Hearing of persons interested in or objecting to the decision of the Planning Department's May 5, 2010, Determination of Exemption from Environmental Review, Building Permit No. 2010/05/05/1781, that a project located at 2514-23rd Avenue is exempt from environmental review under Categorical Exemption, Class 3. The proposal would involve structural work to the foundation, roof framing, and the addition of roof dormers, window replacement, and interior work to the building, which is a single-family residence, Lot No. 37, in Assessor's Block No. 2423. (District 4) (Appellant: Nancy Wuerfel, on behalf of the Sunset Parkside Education and Action Committee (SPEAK)).

The President indicated receipt of a letter from the Planning Department, dated September 17, 2010, rescinding their determination of exemption from environmental review.

TABLED BY OPERATION OF LAW

101084 [Affirming the Exemption Determination for 2514-23rd Avenue]
Motion affirming the determination by the Planning Department that the project located at 2514-23rd Avenue is exempt from environmental review.

TABLED BY OPERATION OF LAW

101085 [Reversing the Exemption Determination Issued for 2514-23rd Avenue]
Motion reversing the determination by the Planning Department that the 2514-23rd Avenue project is exempt from environmental review.

TABLED BY OPERATION OF LAW

101086 [Preparation of Findings to Reverse the Exemption Determination for the 2514-23rd Avenue Project]
Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Department that the project located at 2514-23rd Avenue is exempt from environmental review.

TABLED BY OPERATION OF LAW

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns in Arabic and English.
James Chaffee; expressed concerns relating to the SF Public Library.
Walter Paulson; shared in song certain concerns with the Board.
Joshua Abrahamson; expressed concerns relating to violent criminals.
Male Speaker; expressed various concerns.
Male Speaker; expressed various religious concerns.
Ace Washington; expressed various concerns.
Peter Warfield; expressed concerns relating to the SF Public Library.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

101153 [Commending Caesar Caiati]
Sponsor: Alioto-Pier
Resolution commending Caesar Caiati on his 100th Birthday and declaring September 19, 2010, "Caesar Caiati Day" in San Francisco.

Resolution No. 450-10

ADOPTED

101168 [Urging Pacific Gas and Electric to Cooperate with the City's Request for Infrastructure Information]

Sponsors: Chu; Maxwell and Mirkarimi

Resolution urging Pacific Gas and Electric Company to cooperate completely and swiftly with all requests from the City Administrator and Fire Chief in a Utility Infrastructure Safety Review, and to provide all relevant City Departments with risk level and maintenance plan information for existing pipelines in San Francisco.

Resolution No. 442-10

ADOPTED

101169 [Recognizing September 22, 2010, as "Please Don't Jump" Day to Promote Suicide Prevention]

Sponsors: Campos; Chiu and Dufty

Resolution recognizing September 22, 2010, as "Please Don't Jump" Day and urging the Golden Gate Bridge, Highway, and Transportation District staff and Board of Directors to continue its efforts to expeditiously construct a suicide barrier on the Golden Gate Bridge.

Resolution No. 453-10

ADOPTED

101170 [Accept and Expend Grant - Susceptibility to Smoking Among Migrants in China - $4,901]

Sponsor: Mar

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $4,901 from the San Diego State University Research Foundation to support a project that will establish a Handheld Assisted Personal Interview system, including training and consultation for the period of September 17, 2009, through June 30, 2010. (Public Health Department)

Resolution No. 452-10

ADOPTED

101171 [Local Support for Congestion Management Agency Block Grant Projects]

Sponsor: Mayor

Resolution of local support for four projects to be funded by $11,553,000 in federal Surface Transportation Program and/or Congestion Mitigation and Air Quality Improvement funds through the Metropolitan Transportation Commission's Congestion Management Agency Block Grant Program; committing the necessary non-federal match of $1,876,000; and stating assurance to complete the projects.

Resolution No. 451-10

ADOPTED

101172 [Apply for Strategic Growth Council Sustainable Communities Planning Grant]
Sponsor: Mayor
Resolution authorizing the San Francisco Planning Department, in cooperation with the Mayor's Office of Housing, the San Francisco Municipal Transportation Agency, the San Francisco County Transportation Authority, and other Bay Area entities, to apply for a planning grant from the State of California Sustainable Communities Planning Grant and Incentives Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) to develop a Multi-City Bay Area Core Regional Growth and Investment Strategy.

Resolution No. 436-10

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or the Mayor

Ordinances

101190 [Police Code - Registration and Other Requirements for Event Promoters]
Sponsors: Chiu; Maxwell
Ordinance adding Article 15.7 to the San Francisco Police Code, requiring event promoters to register with the Entertainment Commission; prohibiting holders of certain entertainment-related permits, and registered promoters, from retaining an unregistered promoter to hold an event; and authorizing under certain circumstances for certain promoters reporting requirements, increased security plan requirements for events they promote, general liability insurance requirements, a criminal background check requirement, and other requirements.

101191 [Administrative Code - Publication Requirements]
Sponsors: Mirkarimi; Campos, Mar and Chiu
Ordinance amending Chapter 2 of the San Francisco Administrative Code by adding Article XII, Sections 2.96 through 2.100, to define "published" as required by San Francisco Charter Article XVII to: (1) establish requirements for publishing notices; (2) establish standards for and define the "City's Official Website Homepage;" (3) establish procedures for standardizing and defining notice and publication requirements for future proposed ordinances; and (4) authorize the Clerk of the Board of Supervisors to adopt regulations to implement this Article.

09/21/10; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/21/2010.

101192 [Appropriating $38,000,000 of Certificate of Participation Proceeds for the HOPE SF Development Project in the Mayor's Office of Housing for FY2010-2011]
Sponsors: Mayor; Maxwell
Ordinance appropriating $38,000,000 of Certificate of Participation Series 2011B proceeds to fund the HOPE SF Development Project sponsored by Hunters View Associates in the Mayor's Office of Housing for FY2010-2011 and placing these funds on Controller's reserve pending issuance of the COPs or associated commercial paper used for cash flow purposes in FY2010-2011. (Fiscal Impact.)

09/21/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101193 [Approving General Plan Amendments in Connection with the Better Streets Plan]
Sponsors: Mayor; Mar and Campos
Ordinance amending the Urban Design and Transportation Elements of the San Francisco General Plan to incorporate the San Francisco Better Streets Plan by reference, and to make objectives and policies relating to pedestrian transportation consistent with the Better Streets Plan; making environmental findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1.

09/21/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/21/2010. 11/5/10 - 10-Day General Plan Notice was published, posted and mailed.

101194 [Administrative Code, Public Works Code and Subdivision Code - Better Streets Plan Implementation]
Sponsors: Mayor; Mar and Campos
Ordinance adopting the Better Streets Plan; amending Chapter 98.1 of the Administrative Code to require street improvements to conform with the policies and guidance of the San Francisco Better Streets Plan (Better Streets Plan); amending various sections of the Planning Code to consolidate requirements for street improvements; to require street improvements to follow the policies and guidance of the Better Streets Plan; to expand and modify existing requirements for provision of street trees; to require specified projects to submit a streetscape plan with application submission; and to describe additional requirements for certain areas of the City subject to neighborhood streetscape plans, including Downtown and Rincon Hill; amending various sections of the Public Works Code to be consistent with the Better Streets Plan, including waiving public right-of-way occupancy fees for Better Streets Plan elements; amending Sections 1335, 1336, and 1337 of the Subdivision Code to require streetscape, pedestrian, and stormwater improvements consistent with the Better Streets Plan as part of subdivision approvals; and making findings, including environmental findings and findings that the Planning Code amendments and General Plan amendments are consistent, on balance, with the General Plan and Planning Code Section 101.1.

09/21/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/21/2010.

100495 [Administrative Code - California Environmental Quality Act Procedures, Appeals, and Public Notice]
Sponsor: Alioto-Pier
Ordinance amending Administrative Code Chapter 31 to provide for appeals to the Board of Supervisors of certain environmental documents and determinations under the California Environmental Quality Act, to clarify procedures and to provide public notice of environmental documents and determinations.

04/20/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 5/21/2010.

04/27/10; REFERRED TO DEPARTMENT.

05/04/10; RESPONSE RECEIVED.

07/14/10; RESPONSE RECEIVED.

07/20/10; SUBSTITUTED.

07/20/10; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

07/26/10; REFERRED TO DEPARTMENT.

09/21/10; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

Resolutions

101195 [Urging the Planning Commission to Initiate General Plan Amendments Concerning Better Streets Plan]
Sponsors: Mayor; Mar
Resolution urging the Planning Commission to initiate amendments to the General Plan's Urban Design and Transportation Elements in connection with the San Francisco Better Streets Plan.

09/21/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101196 [Gift Acceptance - Equipment and Furnishings - $155,013]
Sponsors: Chiu; Elsbernd
Resolution authorizing the Recreation and Park Department to accept a gift of equipment and furnishings valued at $155,013 from the San Francisco Parks Trust Gear-up Campaign to be used at Hamilton Recreation Center, Midtown Terrace Playground, Harvey Milk Center for the Recreational Arts, Sunnyside Conservatory, Sunnyside Clubhouse, and other Recreation and Park Department facilities.

09/21/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

101197 [Contract Approval - Municipal Transportation Agency - Capital Program Controls System Procurement and Related Support Services - Not to Exceed $22,268,541]
Sponsor: Chu
Resolution approving the San Francisco Municipal Transportation Agency Contract No. CS-156, Agency Capital Program Controls System Procurement, and Related Support Services, to Hill International, as negotiated, for an amount not to exceed $22,268,541 for a term not to exceed eight years, with expenditures limited to $13,481,000 pending receipt and certification of additional funding.
(Fiscal Impact.)

09/21/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101198 [Accept and Expend Grant - Screening, Brief Intervention, and Referral to Treatment Project - $25,331]
Sponsor: Chu
Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant in the amount of $25,331 from the University of California, San Francisco, to fund the Screening, Brief Intervention, and Referral to Treatment project, and to enter into an agreement for the use of these funds for the period of September 30, 2009, through September 29, 2010.
09/21/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

101199 [Accept and Expend Grant - Department of Public Health - State Vocational Rehabilitation Services Program - $7,685,055]
Sponsor: Maxwell
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the California Department of Rehabilitation in the total amount of $7,685,055 to provide vocational rehabilitation services to clients for the period July 1, 2010, through June 30, 2013, waiving indirect costs.
(Fiscal Impact.)
09/21/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

101201 [Petitions for City Parcels to Form the Proposed Civic Center Community Benefit District]
Sponsor: Mayor
Resolution authorizing the Mayor to cast petitions in the affirmative for formation of the proposed Civic Center Community Benefit District, to sign on behalf of the City and County of San Francisco as the owner of certain parcels of real property that would be subject to assessment in the proposed property and business improvement district to be named the Civic Center Community Benefit District.
09/21/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101202 [Annual Report - 2500 Block of Mission Street Business Improvement District]
Sponsor: Campos
Resolution receiving and approving the 2500 Block of Mission Street Business Improvement District Annual Reports for FYs2007, 2008, and 2009, as submitted, pursuant to Section 36650 of the Business Property and Business Improvement Act of 1994 (California Streets and Highways Code §§36600 et seq.) and Section 3.4 of the District's Management Contract with the City.
09/21/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101203 [Ensuring Safe, Affordable, and Quality Patient Care]
Sponsor: Daly
Resolution urging all relevant City agencies to uphold and strengthen current medical cannabis laws, and regulatory procedures that ensures quality care of patients, protects residents, and provides a true benefit to the community, and discourages business practices that threaten local permitted medical cannabis dispensary operators.

101204 [Declaring October 6, 2010, as Walk to School Day to Promote the Safety and Health of Children]
Sponsors: Dufty; Chu
Resolution declaring October 6, 2010, as Walk to School Day to promote the safety and health of children in the City and County of San Francisco.

101205 [Affordable Child Care Facilities and Teacher's Housing - 1155 Page Street]
Sponsor: Mirkarimi
Resolution urging the San Francisco Unified School District to consider developing both affordable child care facilities and affordable teacher's housing on the surplus property located at 1155 Page Street.

101206 [Proposition 23 - California Global Warming Solutions Act of 2006]
Sponsors: Mayor; Chiu, Mirkarimi, Alioto-Pier, Dufty, Mar, Chu, Elsbernd, Maxwell and Avalos
Resolution opposing Proposition 23, an initiative constitutional amendment suspending the California Global Warming Solutions Act of 2006, until California's unemployment rate drops to 5.5 percent or less for four consecutive quarters.

101210 [Supporting the LGBT Marchers and Their Supporters in the October 10, 2010, Gay Pride Parade in Belgrade, Serbia]
Sponsor: Dufty
Resolution supporting the Lesbian, Gay, Bisexual, and Transgender marchers and their supporters as they peacefully exercise their human right to be visible in the streets, free from violence and fear, during the Gay Pride Parade in Belgrade, Serbia on October 10, 2010.

101212 [Outside Counsel for Mayoral Succession Issues]
Sponsor: Chiu
Resolution approving the retention of the Office of Santa Clara County Counsel to advise the City, in place of the City Attorney's Office, on legal issues relating to Mayoral succession.
(Supervisor Alioto-Pier dissented in Committee.)
09/21/10; RECEIVED AND ASSIGNED to Rules Committee.

Requests for Hearing

101182 [Public Hearing - Certification of Appropriateness for Alterations to the Board of Supervisors' Legislative Chamber]
Hearing on the Historic Preservation Commission's approval of Motion No. 0079 (Case No. 2010.0677A), Certificate of Appropriateness, pursuant to Planning Code Section 1006.8(e), in order to make the President's desk and the Clerk of the Board's desk in the Board of Supervisors' Chamber accessible to persons with disabilities; Lot No. 001 in Assessor's Block No. 0787 (City Hall) - 1 Dr. Carlton B. Goodlett Place. (Clerk of the Board)
09/16/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

101208 [San Francisco Municipal Transportation Agency's Transition to the Clipper Card]
Sponsor: Chiu
Hearing on the San Francisco Municipal Transportation Agency's transition to the Clipper Card on the following topics: 1) Implementation of the Clipper Card; 2) 25-cent surcharge for single-use tickets; 3) Technological problems with fare gates; and 4) Outreach on the transition to the Clipper Card.
09/21/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

Motions

101181 [Committee of the Whole - September 28, 2010 - Hearing on the Historic Preservation Commission's Certificate of Appropriateness for Alterations to the Board of Supervisors' Legislative Chamber]

Motion to sit as a Committee of the Whole for a hearing on the Historic Preservation Commission's approval of Motion No. 0079 (Case No. 2010.0667A), Certificate of Appropriateness, pursuant to Planning Code Section 1006.8(e), in order to make the President's desk and the Clerk of the Board's desk in the Board of Supervisors' Chamber accessible to persons with disabilities; Lot No. 001 in Assessor's Block No. 0787 (City Hall) - 1 Dr. Carlton B. Goodlett Place, to be held on September 28, 2010. (Clerk of the Board)

09/16/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101183 [Approving the Historic Preservation Commission's Approval for Certificate of Appropriateness Regarding the Alterations of the Board of Supervisors' Legislative Chamber]

Motion approving the Historic Preservation Commission's approval of Motion No. 0079 (Case No. 2010.0677A), Certificate of Appropriateness, pursuant to Planning Code Section 1006.8(e), in order to make the President's desk and the Clerk of the Board's desk in the Board of Supervisors' Chamber accessible to persons with disabilities; Lot No. 001 in Assessor's Block No. 0787 (City Hall) - 1 Dr. Carlton B. Goodlett Place. (Clerk of the Board)

09/16/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

101184 [Disapproving the Historic Preservation Commission's Approval for Certificate of Appropriateness Regarding the Alterations of the Board of Supervisors' Legislative Chamber]

Motion disapproving the Historic Preservation Commission's approval of Motion No. 0079 (Case No. 2010.0677A), Certificate of Appropriateness, pursuant to Planning Code Section 1006.8(e), in order to make the President's desk and the Clerk of the Board's desk in the Board of Supervisors' Chamber accessible to persons with disabilities; Lot No. 001 in Assessor's Block No. 0787 (City Hall) - 1 Dr. Carlton B. Goodlett Place. (Clerk of the Board)

09/16/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

101207 [Committee of the Whole - October 5, 2010 - Public Hearing to Renew/Re-Establish the 2500 Block of Mission Street Business Improvement District, to be Known as the Mission Miracle Mile Business Improvement District]

Sponsor: Campos

Motion to sit as a Committee of the Whole to hold a public hearing on October 5, 2010, to consider adopting a Resolution to renew and re-establish the 2500 Block of Mission Street Business Improvement District, to now be known as the Mission Miracle Mile Business Improvement District.

09/21/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101209 [Directing the Clerk of the Board to Agendize Consideration to Override Alcohol Cost Recovery Fee Veto]
Sponsor: Avalos
Motion directing the Clerk of the Board to agendize consideration to override veto pursuant to Charter Section 2.016 of an ordinance which would establish an Alcohol Cost Recovery Fee (File No. 100865) at the Regular Meeting of September 28, 2010.

Introduced by the President at the Request of Department

PROPOSED RESOLUTION

101150 [Real Estate Department - Agreement to Exchange Easements in Connection with the Bay Division Pipeline Reliability Upgrade Project - Bay Tunnel]
Resolution approving and authorizing an Agreement to Exchange Interests in Real Property to obtain an exclusive, subsurface easement from the Midpeninsula Regional Open Space District in exchange for a non-exclusive open space easement over real property owned by the City and County of San Francisco, for the purpose of constructing the San Francisco Public Utilities Commission Water System Improvement Program-Funded Project CUW36801, Bay Division Pipeline Reliability Upgrade - Bay Tunnel; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; adopting findings of consistency with City Planning Code Section 101.1; and authorizing the General Manager of SFPUC to execute documents, make certain modifications, and take certain actions in furtherance of this resolution. (Real Estate Department)

09/10/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Avalos
To: City Attorney
Requesting/Inquiring: Requesting the City Attorney to draft legislation requiring owners of commercial vehicles to abate unintended graffiti on trucks.

From: Supervisor Alioto-Pier
To: Chief of Police
To: Director, Department of Public Works
Requesting/Inquiring: Requesting a recommendation for a procedure to recover costs for DPW services and police services when large trucks ignore posted signs and become stranded on the City's hills.

From: Supervisor Alioto-Pier
To: City Attorney
Requesting/Inquiring: Requesting the City Attorney to draft legislation to do the following:
-Requirement to test DNA samples in every rape or sexual assault case
-Establishment of a swift timeline for testing DNA evidence.
-Procedures for coordination between law enforcement agencies and healthcare providers.
-Annual reporting to the Board of Supervisors on testing and prosecution rates
-Dedicating funding for DNA testing through new fines on offenders.

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting that the Department of Public Works report on the status of removing graffiti from newsstands at the following locations:

San Francisco Bay Guardian
Southeast corner of Fillmore & Post
Southwest corner of Divisadero & Sutter
9th Avenue & Judah (near bus stops)
7th Avenue & Irving (near bus stops)
Northwest corner of Hayes & Fillmore
Southeast corner of Fillmore & Haight

San Francisco Chronicle
Northwest corner of Fillmore & Hayes
Southeast corner of Haight & Fillmore
Irving & 9th Avenue
Irving & 7th Avenue
Southwest corner of Haight & Clayton

Southeast corner of Haight & Masonic

Examiner
Northwest corner of Fillmore & Hayes
Southeast corner of Haight & Fillmore

SF Daily
Northwest corner of Hayes & Gough

City Star
Northwest corner of Hayes & Gough
Southeast corner of Fillmore & Haight

SF Weekly
Southeast corner of Masonic & Haight
Southeast corner of Haight & Fillmore

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti at the following private property locations:

1067 Oak, on the side of building
208 Scott
798 Haight
546 Haight
506 Baker
589 Haight
598 Haight
597 Haight
582 Haight
588 Haight
596 Haight
1751 Fulton
539 Waller

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from utility poles located at the following locations:

Metal Poles
Near 898 Fillmore
In front of 333 Fillmore
Northeast corner of Grove & Scott
Southwest corner of Laguna & Galilee
Southwest corner of Masonic & Fulton

Wood Poles
Northeast corner of Baker & Grove
Northwest corner of Ivy & Gough

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the public property located at the following locations:

Utility Boxes
Northeast corner of Buchanan & Fell
Northeast corner of Linden & Buchanan
Northeast corner of Oak & Buchanan

Bus Shelters
Northeast corner of Fulton & Masonic
Northeast corner of Baker & McAllister
Southwest corner of Buchanan & Haight
Southwest corner of Pierce & Haight
Fillmore & Haight (all bus stops, graffiti & grime on canopies)

Emergency Box
Northeast corner of Page & Buchanan

From: Supervisor Mirkarimi
To. Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of repairing potholes at the following locations:

Potholes and Sidewalk Issues
Street light out on the 700 block of Webster, west side of street

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti at the following locations:

Garbage Cans
Northeast corner of Hayes & Fillmore
Northeast corner of Hayes & Laguna
Southeast corner of Fell & Fillmore
Northeast corner of Grove & Scott

Mailboxes
Northwest corner of Octavia & Hayes
Southwest corner of Divisadero & Fulton

In Memoriams

William Coblentz – Entire Board
Fuad "Fred" Mogannam – Entire Board
Sgt. Martin Anthony Lugo – Supervisor Dufty

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 3:45 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on October 26, 2010.

Angela Calvillo, Clerk of the Board

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

GOVERNMENT
DOCUMENTS DEPT

DEC 16 2011

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Tuesday, September 28, 2010 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Elsbernd	Wednesday 11:00 AM
City and School District Select Committee Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, Avalos, Dufty	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mar, Chu, Maxwell	2nd and 4th Thursday 10:30 AM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Elsbernd	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Alioto-Pier, Mar	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar and Sophie Maxwell

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:09 p.m. On the call of the roll, Supervisors Dufty and Mirkarimi were noted absent. There was a quorum.

Supervisor Dufty was noted present at 2:10 p.m.

Supervisor Mirkarimi Excused from Voting

Supervisor Maxwell, seconded by Supervisor Campos, moved that Supervisor Mirkarimi be excused from voting. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

AGENDA CHANGES

There were none.

COMMUNICATIONS

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of correspondence from the Mayor communicating the Mayor's Veto of legislation contained in File No. 100865 which would establish an alcohol cost recovery fee. See File Nos. 100865 and 101209 below. There were no other communications.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

101051 **[Approval to Implement Alternative Bid Process for Construction Trade Packages for the Renovation and Construction of the George S. Moscone Convention Center]**
Ordinance authorizing the San Francisco Department of Public Works to implement an alternative bid process for construction trade packages and to award contracts for construction services, for the renovation of and capital improvements to the Moscone Convention Center. (Public Works Department)

FINALLY PASSED

101140 [Cigarette Litter Abatement Fee - Timing and Standards for Controller's Review and Adjustment]
Sponsor: Mayor
Ordinance amending Section 105.3 of the San Francisco Administrative Code to change the timelines and standards under which the Controller is directed to review and adjust the Cigarette Litter Abatement Fee.
FINALLY PASSED

Recommendation of the City Operations and Neighborhood Services Committee

100922 [Authorizing the Department of Public Health to Enter Into Contracts for Out-of-County Behavioral Health Services in the Foster Care System]
Sponsor: Mayor
Ordinance amending the San Francisco Administrative Code by amending Section 21.42 to authorize the Department of Public Health to contract for behavioral health services to children in the foster care system under the jurisdiction of the City and County of San Francisco and located outside of San Francisco, utilizing contracting language and forms mandated by the State of California under California Welfare and Institutions Code Section 5777.7.
FINALLY PASSED

Recommendation of the Land Use and Economic Development Committee

101161 [Construction Agreement for 1150 Ocean Avenue]
Sponsor: Elsbernd
Resolution approving an agreement and authorizing the Director of Planning to execute the agreement on behalf of the City and County of San Francisco in order to ensure the construction on-site of 26 inclusionary units in the mixed-use development proposed at 1150 Ocean Avenue (Lot No. 003 in Assessor's Block No. 3180).
ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Vetoed by the Mayor

Supervisor Alioto-Pier Excused from Voting

Supervisor Elsbernd, seconded by Supervisor Dufty, previously moved that Supervisor Alioto-Pier be excused from voting on File No. 100865 at the Regular Meeting of September 21, 2010. The motion carried by the following vote:

Ayes: 9 - Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 2 - Alioto-Pier, Campos

100865 [Establishing an Alcohol Cost Recovery Fee]
Sponsors: Avalos; Mirkarimi, Maxwell, Mar, Daly and Campos
Ordinance amending the San Francisco Administrative Code, Chapter 106, by adding Sections 106 through 106.28, to impose a fee on alcoholic beverage wholesalers and certain other persons who distribute or sell alcoholic beverages in San Francisco to: 1) recover a portion of San Francisco's alcohol-attributable unreimbursed health costs, and; 2) fund administration costs.

Pursuant to the tabling of File No. 101209, communication by Angela Calvillo, Clerk of the Board, above, and Board Rule 4.19, this Ordinance is CONTINUED to October 5, 2010. No further action was taken.

Recommendations of the Land Use and Economic Development Committee

101056 [Banning the Sale of Tobacco Products in Pharmacies]
Sponsors: Mar; Dufty and Maxwell
Ordinance amending the San Francisco Health Code by amending Sections 1009.91 and 1009.92, by repealing Section 1009.93, and by re-numbering Sections 1009.94, 1009.95, 1009.96, 1009.97, 1009.98, and 1009.99, as Sections 1009.93, 1009.94, 1009.95, 1009.96, 1009.97, and 1009.98, respectively, all to eliminate the exemptions for general grocery stores and big box stores from the general ban on the sale of tobacco products in pharmacies.

FINALLY PASSED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell
Noes: 3 - Alioto-Pier, Chu, Elsbernd
Excused: 1 - Mirkarimi

NEW BUSINESS

Recommendations of the Budget and Finance Committee

100832 [Contract with Institute on Aging for the Provision of Case Management, Community Living Fund and Linkages Program Services - Not to Exceed $16,144,866]

Resolution retroactively approving the grant agreement between the City and County of San Francisco and the non-profit Institute on Aging to provide Case Management, Community Living Fund and Linkages Program services to seniors and adults with disabilities during the period of July 1, 2010, to June 30, 2014, for a total not to exceed amount of $16,144,866. (Human Services Department)
(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

100894 [Increasing Contract with Xtech to $41,000,000]

Resolution authorizing the Office of Contract Administration to enter in the First Amendment between the City and Xtech (part of the Technology Store procurement vehicle), in which the amendment shall increase the contract amount from $24,000,000 to $41,000,000 and update certain standard contractual clauses. (Office of Contract Administration)
(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

100991 [Resolution of Intention to Form the Ocean Avenue Community Benefits District] Sponsors: Avalos; Elsbernd

Resolution (1) declaring the intention of the Board of Supervisors to establish a property-based business improvement district (community benefit district) to be known as the "Ocean Avenue Community Benefits District," and levy a multi-year assessment on identified parcels in the district; (2) approving the management district plan and engineer's report and proposed boundaries map for the district; (3) ordering and setting a time and place for a public hearing thereon; (4) approving the form of the Notice of Public Hearing and Assessment Ballots; and (5) directing the Clerk of the Board of Supervisors to give notice of the public hearing and balloting as required by law.

Supervisor Elsbernd requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

101110 [Accept and Expend Grant - Airport Commission - U.S. Federal Aviation Administration Grant - Not to Exceed $79,982,500]

Sponsor: Mayor

Resolution authorizing the Airport Commission to execute an Other Transaction Agreement with the Federal Aviation Administration (FAA) for the Replacement Airport Traffic Control Tower and FAA Offices in the amount not to exceed $79,982,500 and retroactively accept and expend federal funds.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

101152 [San Francisco International Airport Environment Review]

Sponsor: Mayor

Resolution adopting California Environmental Quality Act findings related to the Courtyard 2 Air Traffic Control Tower Replacement Project and Integrated Facilities Project at San Francisco International Airport.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

Recommendation of the Government Audit and Oversight Committee

101131 [Board Response to the 2009-2010 Civil Grand Jury Report Entitled "Pension Tsunami: The Billion Dollar Bubble"]

Sponsor: Mar

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2009-2010 Civil Grand Jury Report entitled "Pension Tsunami: The Billion Dollar Bubble" and urging the Mayor to cause the implementation of accepted findings and recommendations through the department heads and through the development of the annual budget. (Clerk of the Board)

Supervisor Chu, seconded by Supervisor Maxwell, moved that this Resolution be AMENDED on Page 8, Line 9, replacing 'finds that' with 'agrees with'; and Line 10, adding 'and acknowledges that it' before 'requires.' The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

ADOPTED AS AMENDED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell
Noes: 2 - Alioto-Pier, Elsbernd
Excused: 1 - Mirkarimi

Recommendations of the Land Use and Economic Development Committee

100757 [Public Works Code - Minor Encroachment Fee Waiver for Affordable Housing Projects]
Sponsor: Daly
Ordinance amending Public Works Code, Article 15, Section 723.2, to provide for a waiver of the annual public right-of-way occupancy fee for minor sidewalk encroachment permits necessary for the development of 100% affordable housing projects and adopting environmental findings.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

100918 [Mission Bay North - Blocks N3-N3A Public Infrastructure Improvements]
Sponsor: Daly
Ordinance accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay North - Blocks N3-N3A, including acquisition facilities on portions of King Street, Berry Street, Fourth Street, and Fifth Street; declaring such areas as shown on official Department of Public Works maps as open public right-of-way; designating such areas and improvements for street and roadway purposes; establishing street grades and sidewalk widths; accepting said facilities for City maintenance and liability purposes, subject to specified limitations; accepting a pedestrian access and utility easement relating to the project; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 178,752; and authorizing official acts in connection with this Ordinance. (Public Works Department)

Supervisor Daly requested to be added as sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

100755 [Supporting Existing Area Plan Housing Requirements]
Sponsors: Chiu; Mirkarimi, Avalos and Campos
Resolution supporting existing area plan housing requirements.

ADOPTED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell
Noes: 3 - Alioto-Pier, Chu, Elsbernd
Excused: 1 - Mirkarimi

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Maxwell, seconded by Supervisor Avalos, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

Supervisor Maxwell introduced, welcomed, and presented a Certificate of Honor to Michael Cohen, Director of the Mayor's Office of Economic and Workforce Development, in recognition of his many accomplishments and for his 15 years of dedicated service to the City and County of San Francisco.

Supervisors Avalos and Mar introduced, welcomed, and presented Certificates of Honor to Aaron Barbieri-Aghib, Ariel Barbieri-Aghib, Brenda Picazo, Breonna Frierson, Derek Morrell, Esmerelda Mancilla, Helena Chow, Irene Taylor, Isaiah Spikes, Jadeshia Hui, Jessie Chen, Lona Kwan, Mayra Perez, Nancy Li, Ramon Gomez, Rashon Armstrong, Rayshawnda Madison, Rochelle Chan, Stephanie Huang, Taylor Cato, TJ Smith, Wendy Wong, and Zoe Santos of the San Francisco Peer Court in recognition of their accomplishments and National Youth Court Month.

SPECIAL ORDER 4:00 P.M.

Supervisor Avalos was noted absent at 4:03 p.m.; was noted present at 4:11 p.m.

101041 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 10 Bernal Heights Boulevard]

Hearing of persons interested in or objecting to the decision of the Planning Commission's July 1, 2010, Determination of Exemption from Environmental Review identified as Planning Case No. 2010.0306C, by its Motion No. 18131, which included the exemption determination, that a project located at 10 Bernal Heights Boulevard is exempt from environmental review under California Environmental Quality Act (CEQA) Guidelines Sections 15301 Class (1), 15303 (Class 3), and 15311 (Class 11), to install a wireless telecommunications facility consisting of five internet exchange switch antennas on an existing 50-foot tall communications tower at the top of the hill in Bernal Heights Park within an RH-1(D) (Residential, House, Single-Family, Detached) Zoning District and a 40-X Height and Bulk District, on property located at 10 Bernal Heights Boulevard, Lot No. 003, in Assessor's Block No. 5548. (District 9) (Appellant: Erick Arguello on behalf of the Lower 24th Street Merchant Association.)
(Filed August 2, 2010; Companion Measure to File Nos. 101042, 101043, 101044.)

Supervisor Campos, seconded by Supervisor Dufty, moved that this Hearing be CONTINUED to October 19, 2010. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

Supervisor Dufty, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

The President inquired as to whether any member of the public wished to address the Board relating to the proposed continuance to October 19, 2010. There were no speakers. The President continued the public hearing open to October 19, 2010.

Supervisor Campos, seconded by Supervisor Dufty, moved that this Hearing be CONTINUED to October 19, 2010. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

101042 [Affirming the Exemption Determination for 10 Bernal Heights Boulevard]
Motion affirming the determination by the Planning Commission that the project located at 10 Bernal Heights Boulevard is exempt from environmental review. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Dufty, moved that this Motion be CONTINUED to October 19, 2010. The motion carried by the following vote:
Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

Supervisor Dufty, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:
Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

The President inquired as to whether any member of the public wished to address the Board relating to the proposed continuance to October 19, 2010. There were no speakers. The President continued the public hearing open to October 19, 2010.

Supervisor Campos, seconded by Supervisor Dufty, moved that this Motion be CONTINUED to October 19, 2010. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

101043 [Reversing the Exemption Determination Issued for 10 Bernal Heights Boulevard]
Motion reversing the determination by the Planning Commission that the 10 Bernal Heights Boulevard project is exempt from environmental review. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Dufty, moved that this Motion be CONTINUED to October 19, 2010. The motion carried by the following vote:
Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

Supervisor Dufty, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:
Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

The President inquired as to whether any member of the public wished to address the Board relating to the proposed continuance to October 19, 2010. There were no speakers. The President continued the public hearing open to October 19, 2010.

Supervisor Campos, seconded by Supervisor Dufty, moved that this Motion be CONTINUED to October 19, 2010. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

101044 [Preparation of Findings to Reverse the Exemption Determination for the 10 Bernal Heights Boulevard Project]

Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Commission that the project located at 10 Bernal Heights Boulevard is exempt from environmental review. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Dufty, moved that this Motion be CONTINUED to October 19, 2010. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

Supervisor Dufty, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

The President inquired as to whether any member of the public wished to address the Board relating to the proposed continuance to October 19, 2010. There were no speakers. The President continued the public hearing open to October 19, 2010.

Supervisor Campos, seconded by Supervisor Dufty, moved that this Motion be CONTINUED to October 19, 2010. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

SPECIAL ORDER 4:00 P.M.

101045 [Public Hearing - Conditional Use Appeal for 10 Bernal Heights Boulevard]

Hearing of persons interested in or objecting to the decision of the Planning Commission's July 1, 2010, Conditional Use Permit identified as Planning Case No. 2010.0306C, by its Motion No. 18131, under Planning Code Sections 209.6(b) and 303, to install a wireless telecommunications facility consisting of five internet exchange switch antennas on an existing 50-foot tall communications tower at the top of the hill in Bernal Heights Park and to modify the Conditional Use approval under Case No. 2008.1157C to change the number of allowed antennas on the site within the RH-1(D) (Residential, House, Single-Family, Detached) Zoning District, and a 40-X Height and Bulk District, on property located at 10 Bernal Heights Boulevard, Lot No. 003, in Assessor's Block No. 5548. (District 9) (Filed by Erick Arguello on behalf of the Lower 24th Street Merchant Association, and subscribed by Supervisors Campos, Mar, Chiu, Chu, Mirkarimi, and Avalos.)

(Filed August 2, 2010; Companion Measure to File Nos. 101046, 101047, 101048.)

Supervisor Campos, seconded by Supervisor Dufty, moved that this Hearing be CONTINUED to October 19, 2010. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

Supervisor Dufty, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

The President inquired as to whether any member of the public wished to address the Board relating to the proposed continuance to October 19, 2010. There were no speakers. The President continued the public hearing open to October 19, 2010.

Supervisor Campos, seconded by Supervisor Dufty, moved that this Hearing be CONTINUED to October 19, 2010. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

101046 [Approving Planning Commission Decision Related to Conditional Use Appeal for 10 Bernal Heights Boulevard]

Motion approving the decision of the Planning Commission, by its Motion No. 18131, approving Conditional Use Application No. 2010.0306C on property located at 10 Bernal Heights Boulevard, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Dufty, moved that this Motion be CONTINUED to October 19, 2010. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

Supervisor Dufty, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

The President inquired as to whether any member of the public wished to address the Board relating to the proposed continuance to October 19, 2010. There were no speakers. The President continued the public hearing open to October 19, 2010.

Supervisor Campos, seconded by Supervisor Dufty, moved that this Motion be CONTINUED to October 19, 2010. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

101047 [Disapproving Planning Commission Decision Related to Conditional Use Appeal for 10 Bernal Heights Boulevard]

Motion disapproving the decision of the Planning Commission, by its Motion No. 18131, approving Conditional Use Application 2010.0306C on property located at 10 Bernal Heights Boulevard, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Dufty, moved that this Motion be CONTINUED to October 19, 2010. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

Supervisor Dufty, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

The President inquired as to whether any member of the public wished to address the Board relating to the proposed continuance to October 19, 2010. There were no speakers. The President continued the public hearing open to October 19, 2010.

Supervisor Campos, seconded by Supervisor Dufty, moved that this Motion be CONTINUED to October 19, 2010. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

101048 [Preparation of Findings Related to the Conditional Use Appeal for 10 Bernal Heights Boulevard]

Motion directing the Clerk of the Board to prepare findings relating to the proposed Conditional Use Application No. 2010.0306C on property located at 10 Bernal Heights Boulevard. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Dufty, moved that this Motion be CONTINUED to October 19, 2010. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

Supervisor Dufty, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

The President inquired as to whether any member of the public wished to address the Board relating to the proposed continuance to October 19, 2010. There were no speakers. The President continued the public hearing open to October 19, 2010.

Supervisor Campos, seconded by Supervisor Dufty, moved that this Motion be CONTINUED to October 19, 2010. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

SPECIAL ORDER 4:00 P.M.

101031 [Public Hearing - Appeal of Final Environmental Impact Report for 222-2nd Street]

Hearing of persons interested in or objecting to the decision of the Planning Commission's August 12, 2010, Certification of a Final Environmental Impact Report identified as Planning Case No. 2006.1106E, through its Motion No. 18166, for a proposed office project located at 222-2nd Street with 430,650 gross square feet of office space, approximately 4,963 square feet of ground-floor retail space; and approximately 27,932 square feet of parking area located on two below ground parking levels, with approximately 54 parking spaces, with the capacity for 80 vehicles with valet parking within the C-3-O (SD) Downtown Office (Special Development) District and 350-S/150-S Height and Bulk Districts, Lot No. 063, in Assessor's Block No. 3735. (District 6) (Appellant: Sue C. Hestor, on behalf of 246-2nd Street Owners Association)
(Filed September 1, 2010; Companion to File Nos. 101032, 101033, 101034.)

The President inquired as to whether any member of the public wished to address the Board relating to the proposed continuance to October 5, 2010, at 2:30 p.m. There were no speakers. The President continued the public hearing open to October 5, 2010, at 2:30 p.m.

Supervisor Daly, seconded by Supervisor Dufty, moved that this Hearing be CONTINUED to October 5, 2010, at 2:30 p.m. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

101032 [Affirming the Certification of the 222-2nd Street Project Final Environmental Impact Report]

Motion affirming the certification by the Planning Commission the Final Environmental Impact Report for the 222-2nd Street Project.

Supervisor Daly, seconded by Supervisor Dufty, moved that this Motion be CONTINUED to October 5, 2010, at 2:30 p.m. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

101033 [Reversing the Certification of the 222-2nd Street Project Final Environmental Impact Report]

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 222-2nd Street Project.

Supervisor Daly, seconded by Supervisor Dufty, moved that this Motion be CONTINUED to October 5, 2010, at 2:30 p.m. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

101034 [Preparation of Findings to Reverse Certification of the 222-2nd Street Project Final Environmental Impact Report]

Motion directing the Clerk of the Board to prepare findings reversing the certification of the Final Environmental Impact Report for the 222-2nd Street Project.

Supervisor Daly, seconded by Supervisor Dufty, moved that this Motion be CONTINUED to October 5, 2010, at 2:30 p.m. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

Board of Supervisors Sitting as a Committee of the Whole

101182 [Public Hearing - Certification of Appropriateness for Alterations to the Board of Supervisors' Legislative Chamber]

Hearing on the Historic Preservation Commission's approval of Motion No. 0079 (Case No. 2010.0677A), Certificate of Appropriateness, pursuant to Planning Code Section 1006.8(e), in order to make the President's desk and the Clerk of the Board's desk in the Board of Supervisors' Chamber accessible to persons with disabilities; Lot No. 001 in Assessor's Block No. 0787 (City Hall) - 1 Dr. Carlton B. Goodlett Place. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to the Certificate of Appropriateness referenced in File Nos. 101182, 101183, 101184. See File No. 101181. Susan Mizner, Director of the Mayor's Office on Disability, and Ed Reiskin, Director of Public Works, provided an overview of the project and responded to questions raised throughout the discussion. Ellen Schumer (City Hall Preservation Advisory Commission); Jessie Lorenz; Francisco DaCosta; spoke expressing various concerns relating to the project. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

101183 [Approving the Historic Preservation Commission's Approval for Certificate of Appropriateness Regarding the Alterations of the Board of Supervisors' Legislative Chamber]

Motion approving the Historic Preservation Commission's approval of Motion No. 0079 (Case No. 2010.0677A), Certificate of Appropriateness, pursuant to Planning Code Section 1006.8(e), in order to make the President's desk and the Clerk of the Board's desk in the Board of Supervisors' Chamber accessible to persons with disabilities; Lot No. 001 in Assessor's Block No. 0787 (City Hall) - 1 Dr. Carlton B. Goodlett Place. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 1 - Daly
Excused: 1 - Mirkarimi

101184 [Disapproving the Historic Preservation Commission's Approval for Certificate of Appropriateness Regarding the Alterations of the Board of Supervisors' Legislative Chamber]

Motion disapproving the Historic Preservation Commission's approval of Motion No. 0079 (Case No. 2010.0677A), Certificate of Appropriateness, pursuant to Planning Code Section 1006.8(e), in order to make the President's desk and the Clerk of the Board's desk in the Board of Supervisors' Chamber accessible to persons with disabilities; Lot No. 001 in Assessor's Block No. 0787 (City Hall) - 1 Dr. Carlton B. Goodlett Place. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 1 - Daly
Excused: 1 - Mirkarimi

COMMITTEE REPORTS

Recommendation of the Land Use and Economic Development Committee

100851 [Planning Code - Rehabilitation and Maintenance of Transfer Lots After Sale of Transferable Development Rights; Zoning Map and General Plan Map Amendments - 680 California Street (Old St. Mary's Cathedral)]

Sponsors: Chiu; Maxwell

Ordinance amending Section 128 of the San Francisco Planning Code to require that proceeds from the sale of Transferable Development Rights (TDR) be spent on rehabilitation and maintenance of the Transfer Lot property, to establish reporting procedures regarding the rehabilitation and maintenance, and to allow the sale of TDR from an individually landmarked building to any lot in a C-3 zoned district except Redevelopment Areas; amending the San Francisco Zoning Map by amending Zoning Use District Map ZN01 to change the use classification of 680 California Street (Old St. Mary's Cathedral), Block No. 0241, Lot Nos. 011 and 012, from Chinatown Visitor Retail District to C-3-0 District and making conforming amendments to the Chinatown and Downtown Area Plans of the San Francisco General Plan; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

101200 [Planning Code - Preservation, Rehabilitation and Maintenance of Preservation Lots; Zoning Map and General Plan Map Amendments - 680 California Street (Old St. Mary's Cathedral)]

Sponsors: Chiu and Maxwell

Ordinance amending Section 128 of the San Francisco Planning Code to require that proceeds from the sale of Transferable Development Rights (TDR) be spent on preservation and rehabilitation of the Transfer Lot property, to establish reporting procedures regarding the preservation and rehabilitation, and to allow the sale of TDR from an individually landmarked building to any lot in a C-3 zoned district except Redevelopment Areas; amending the San Francisco Zoning Map by amending Zoning Use District Map ZN01 to change the use classification of 680 California Street (Old St. Mary's Cathedral), Block No. 0241, Lot Nos. 011 and 012, from Chinatown Visitor Retail District to C-3-0 District and making conforming amendments to the Chinatown and Downtown Area Plans of the San Francisco General Plan; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

This item was not sent as a Committee Report.

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

Supervisor Maxwell was noted absent at 4:07 p.m.; was noted present at 4:42 p.m.
Supervisor Dufty was noted absent at 4:07 p.m.; was noted present at 4:38 p.m.
Supervisor Chiu was noted absent at 4:28 p.m.; was noted present at 4:41 p.m.
Supervisor Chu was noted absent at 4:28 p.m.; was noted present at 4:42 p.m.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Female Speaker; expressed support for compassionate care legislation.
Douglas Yep; expressed concerns relating to crimes against the Asian community.
Rev. Randi Webster; expressed support for compassionate care legislation.
Catherine Smith; expressed support for compassionate care legislation.
Gavin Gene; expressed support for compassionate care legislation.
Steve Hanley; expressed support for compassionate care legislation.
Female Speaker; expressed support for compassionate care legislation.
Bob Smith; expressed support for compassionate care legislation.
Male Speaker; expressed support for compassionate care legislation.
Ray Ledbetter; expressed support for compassionate care legislation.
Lance Williams; expressed support for compassionate care legislation.
Theresa Cooper; expressed support for compassionate care legislation.
Stewart Russ; expressed support for compassionate care legislation.
Michael Boldman; expressed support for compassionate care legislation.
Floyd Rory; expressed support for compassionate care legislation.
Al Lopez; expressed gratitude for recent in memoriam.
John Martinelli; expressed support for compassionate care legislation.
Yvette Hernandez; expressed support for compassionate care legislation.
Male Speaker; expressed support for compassionate care legislation.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

101203 [Ensuring Safe, Affordable, and Quality Patient Care]
Sponsor: Daly
Resolution urging all relevant City agencies to uphold and strengthen current medical cannabis laws, and regulatory procedures that ensures quality care of patients, protects residents, and provides a true benefit to the community, and discourages business practices that threaten local permitted medical cannabis dispensary operators.
ADOPTED

101204 [Declaring October 6, 2010, as Walk to School Day to Promote the Safety and Health of Children]
Sponsors: Dufty; Chu
Resolution declaring October 6, 2010, as Walk to School Day to promote the safety and health of children in the City and County of San Francisco.
ADOPTED

101205 [Affordable Child Care Facilities and Teacher's Housing - 1155 Page Street]
Sponsor: Mirkarimi
Resolution urging the San Francisco Unified School District to consider developing both affordable child care facilities and affordable teacher's housing on the surplus property located at 1155 Page Street.
ADOPTED

101206 [Proposition 23 - California Global Warming Solutions Act of 2006]
Sponsors: Mayor; Chiu, Mirkarimi, Alioto-Pier, Dufty, Mar, Chu, Elsbernd, Maxwell and Avalos
Resolution opposing Proposition 23, an initiative constitutional amendment suspending the California Global Warming Solutions Act of 2006, until California's unemployment rate drops to 5.5 percent or less for four consecutive quarters.
ADOPTED

101207 [Committee of the Whole - October 5, 2010 - Public Hearing to Renew/Re-Establish the 2500 Block of Mission Street Business Improvement District, to be Known as the Mission Miracle Mile Business Improvement District]
Sponsor: Campos
Motion to sit as a Committee of the Whole to hold a public hearing on October 5, 2010, to consider adopting a Resolution to renew and re-establish the 2500 Block of Mission Street Business Improvement District, to now be known as the Mission Miracle Mile Business Improvement District.
APPROVED

101210 [Supporting the LGBT Marchers and Their Supporters in the October 10, 2010, Gay Pride Parade in Belgrade, Serbia]

Sponsor: Dufty

Resolution supporting the Lesbian, Gay, Bisexual, and Transgender marchers and their supporters as they peacefully exercise their human right to be visible in the streets, free from violence and fear, during the Gay Pride Parade in Belgrade, Serbia on October 10, 2010.

ADOPTED

101189 [Final Map 5679: 531 - 545 Octavia Street]

Motion approving Final Map 5679, a five Lot Airspace Subdivision Project, located at 531 - 545 Octavia Street being a subdivision of Lot No. 001B in Assessors Block No. 0807 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell

Excused: 1 - Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Avalos requested that File No. 101209 be severed so that it may be considered separately.

Supervisor Alioto-Pier Excused from Voting

Supervisor Elsbernd, seconded by Supervisor Dufty, previously moved that Supervisor Alioto-Pier be excused from voting on related File No. 100865 at the Regular Meeting of September 21, 2010. The motion carried by the following vote:

Ayes: 9 - Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 2 - Alioto-Pier, Campos

101209 [Directing the Clerk of the Board to Agendize Consideration to Override Alcohol Cost Recovery Fee Veto]

Sponsor: Avalos

Motion directing the Clerk of the Board to agendize consideration to override veto pursuant to Charter Section 2.016 of an ordinance which would establish an Alcohol Cost Recovery Fee (File No. 100865) at the Regular Meeting of September 28, 2010.

The President inquired as to whether any member of the public wished to address the Board relating to File No. 101209. There were no speakers. The President declared public comment closed.

Supervisor Avalos, seconded by Supervisor Mar, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 2 - Alioto-Pier, Mirkarimi

Supervisor Chiu requested that File No. 101181 be severed so that it may be considered separately.

101181 [Committee of the Whole - September 28, 2010 - Hearing on the Historic Preservation Commission's Certificate of Appropriateness for Alterations to the Board of Supervisors' Legislative Chamber]

Motion to sit as a Committee of the Whole for a hearing on the Historic Preservation Commission's approval of Motion No. 0079 (Case No. 2010.0667A), Certificate of Appropriateness, pursuant to Planning Code Section 1006.8(e), in order to make the President's desk and the Clerk of the Board's desk in the Board of Supervisors' Chamber accessible to persons with disabilities; Lot No. 001 in Assessor's Block No. 0787 (City Hall) - 1 Dr. Carlton B. Goodlett Place, to be held on September 28, 2010. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to File No. 101181. Female Speaker spoke expressing various concerns relating to the project. There were no other speakers. The President declared public comment closed.

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

IMPERATIVE AGENDA

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Daly, seconded by Supervisor Maxwell, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

[Brown Act Finding]
Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Daly, seconded by Supervisor Maxwell, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

101245 [Commending Bob Hart]
Sponsor: Daly
Resolution commending Bob Hart, Executive Director of the General Assistance Advocacy Project (GAAP), for his advocacy and leadership on behalf of the poor and homeless in San Francisco.

The President inquired as to whether any member of the public wished to address the Board relating to File No. 101245. There were no speakers. The President declared public comment closed.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or the Mayor

Ordinances

101246 [Administrative Code - Medical Cannabis Task Force Membership, Powers, and Duties]
Sponsor: Campos
Ordinance amending San Francisco Administrative Code by amending Sections 5.2-3 and 5.2-5 to: (1) increase the number of members of the San Francisco Medical Cannabis Task Force (Task Force) from 13 to 15; (2) establish qualifications for the two members added to the Task Force; and (3) expand powers and duties of the Task Force to include developing and making recommendations to the Board of Supervisors about local regulation of medical cannabis in the event that State Proposition 19 is approved by the voters in the election held on November 2, 2010.
09/28/10; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/21/2010.

101247 [Planning Code - Update the Visitacion Valley Community Facilities and Infrastructure Fee and Fund]
Sponsor: Maxwell
Ordinance amending the San Francisco Planning Code by amending Sections 420.1 through 420.5 to update the Visitacion Valley Community Facilities and Infrastructure Fee and Fund and to conform the program with other Area Plan fee programs; making conforming changes to Sections 401 (definitions) and 406 (waiver, reduction, or adjustment of development project requirements); and making findings, including environmental findings.
09/28/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/28/2010.

101248 [Appropriating $85,000,000 of General Obligation Bonds for the Department of Public Works and the Public Utilities Commission for FY2010-2011]
Sponsors: Mayor; Chiu
Ordinance appropriating $85,000,000 of the 2010 Series 1 Earthquake Safety and Emergency Response General Obligation Bond proceeds including $76,603,071 to the Department of Public Works, and $8,396,929 to the Public Utilities Commission for necessary repairs and seismic improvements in order to better prepare San Francisco for a major earthquake or natural disaster for FY2010-2011, and placing these funds on Controller's Reserve pending the sale of the bonds.
09/28/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Resolutions

101250 [Resolution to Establish (Renew) the 2500 Block of Mission Street Business Improvement District, to Now be Known as the Mission Miracle Mile Business Improvement District]

Sponsor: Campos

Resolution establishing a property-based Business Improvement District to now be known as the "Mission Miracle Mile Business Improvement District," by: (1) renewing the previously established 2500 Block of Mission Street Business Improvement District for a period of five years and six months; (2) approving the management district plan and engineer's report and boundaries map; (3) ordering the levy and collection of assessments against the property located in the Mission Miracle Mile Business Improvement District for five years, for FYs2010-2011 through 2014-2015 (each FY begins on July 1 and ends the following June 30), subject to conditions as specified; (4) approving services, improvements, and activities to be provided through December 31, 2015; and (5) making environmental findings.

09/28/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

101251 [Accept and Expend Grant - Youth Stewardship Program - $165,000]

Sponsor: Maxwell

Resolution authorizing the San Francisco Recreation and Park Department to retroactively accept and expend a grant in the amount of $165,000 to support the San Francisco Recreation and Park Department's Youth Stewardship Program for the period of October 1, 2010, through October 1, 2015.

09/28/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

101252 [Amendment to the Redevelopment Agency Budget - Not to Exceed $520,743]

Sponsor: Mayor

Resolution approving an amendment to the budget of the Redevelopment Agency of the City and County of San Francisco for FY2010-2011 by authorizing expenditures in an amount not to exceed $520,743 for personnel positions associated with the implementation of the Candlestick Point - Hunters Point Shipyard Phase 2 Project.

09/28/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101253 [Grant Application - Department of Public Health - Ryan White HIV Emergency Relief Program - $36,118,233]

Sponsors: Mayor; Dufty and Campos

Resolution authorizing the San Francisco Department of Public Health to submit an application to continue to receive funding for the "HIV/AIDS Emergency Relief Grant Programs (Ryan White Programs, Part A)" Grant from the Health Resources Services Administration, requesting $36,118,233 in HIV Emergency Relief Program funding for the San Francisco Eligible Metropolitan Area from March 1, 2011, through February 28, 2012.

09/28/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101254 [Affirmation of Support of San Francisco's Bid for the 34th America's Cup and Endorsement of Host City]
Sponsors: Mayor; Chiu, Mirkarimi, Dufty, Alioto-Pier, Maxwell and Chu
Resolution supporting the efforts of the City and the San Francisco America's Cup Organizing Committee to bring the 34th America's Cup to the San Francisco Bay and encouraging BMW Oracle Racing and the Golden Gate Yacht Club to select San Francisco as the official Host City for the 34th America's Cup in 2013 and endorsing the Term Sheet for hosting the 34th America's Cup in San Francisco.

09/28/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101255 [Issuance of General Obligation Bonds (Earthquake Safety and Emergency Response Bonds, 2010) - Not to Exceed $412,300,000]
Sponsors: Mayor; Chiu
Resolution providing for the issuance of not to exceed $412,300,000 aggregate principal amount of City and County of San Francisco General Obligation Bonds (Earthquake Safety and Emergency Response Bonds, 2010); authorizing the execution, authentication, and registration of said bonds; providing for the levy of a tax to pay the principal and interest thereof; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related thereto; ratifying certain actions previously taken; adopting certain CEQA findings and determinations; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of said bonds.

09/28/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101256 [Sale of General Obligation Bonds (Earthquake Safety and Emergency Response Bonds, 2010) - Not to Exceed $85,000,000]
Sponsors: Mayor; Chiu
Resolution authorizing and directing the sale of not to exceed $85,000,000 aggregate principal amount of City and County of San Francisco General Obligation Bonds (Earthquake Safety and Emergency Response Bonds, 2010), Series 2010E (Tax-Exempt), and City and County of San Francisco General Obligation Bonds (Earthquake Safety and Emergency Response Bonds, 2010), Series 2010F (Federally Taxable Build America Bonds); prescribing the form and terms of said bonds; authorizing the execution, authentication, and registration of said bonds; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related thereto; providing for the manner of sale of said bonds by competitive sale; approving the forms of official notice of sale and notice of intention to sell bonds; directing the publication of the notice of intention to sell bonds; approving the form of the preliminary official statement and the form and execution of the official statement relating to the sale of said bonds; approving the form of the continuing disclosure certificate; approving modifications to documents; ratifying certain actions previously taken; adopting certain CEQA findings and determinations; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale, and delivery of said bonds.

09/28/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101257 [Condemning the September 24, 2010, FBI Raids]
Sponsors: Mar; Daly, Campos and Avalos
Resolution condemning the September 24, 2010, FBI raids on Trade Union, Anti-War, and Solidarity Activists.

09/28/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Request for Hearing

101249 [Public Hearing - Resolution to Establish (Renew) the 2500 Block of Mission Street Business Improvement District, to Now be Known as the Mission Miracle Mile Business Improvement District]

Sponsor: Campos

Hearing of persons interested in or objecting to proposed Resolution establishing a property-based Business Improvement District to now be known as the "Mission Miracle Mile Business Improvement District," by: (1) renewing the previously established 2500 Block of Mission Street Business Improvement District for a period of five years and six months; (2) approving the management district plan and engineer's report and boundaries map; (3) ordering the levy and collection of assessments against the property located in the Mission Miracle Mile Business Improvement District for five years, for FYs2010-2011 through 2014-2015 (each FY begins on July 1 and ends the following June 30), subject to conditions as specified; (4) approving services, improvements, and activities to be provided through December 31, 2015; and (5) making environmental findings. (Clerk of the Board)

09/28/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

Introduced by the President at the Request of Departments

PROPOSED ORDINANCES

101216 [Mission Bay South - Fourth Street, Channel Street, and Third Street Public Infrastructure Improvements]

Ordinance accepting the irrevocable offers of property along portions of Channel Street and Third Street and the irrevocable offers of improvements of public infrastructure improvements, including acquisition facilities on Channel Street, Fourth Street, and Third Street; dedicating such improvements for public use; declaring such areas as shown on Department of Public Works maps as open public right-of-way; designating such areas and improvements for street and roadway purposes; establishing street grades and sidewalk widths; accepting said facilities for City maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 178,869; and authorizing official acts in connection with this Ordinance. (Public Works Department)

09/20/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101217 [Mission Bay South - Blocks 10-10A Public Infrastructure Improvements]
Ordinance accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay South Blocks 10-10A including acquisition facilities on China Basin Street, Terry A. Francois Boulevard and Mission Bay Boulevard North; declaring City property as shown on official Department of Public Works maps as open public right-of-way; dedicating such improvements for public use and designating such areas and improvements for street and roadway purposes; establishing street grades and sidewalk widths; accepting said facilities for City maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 178,870; and authorizing official acts in connection with this Ordinance. (Public Works Department)

09/20/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101218 [Mission Bay South - Storm Water Pump Station No. 6 Public Infrastructure Improvements]
Ordinance accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay Storm Water Pump Station No. 6 including acquisition facilities located on and under Bayfront Park along Terry A. Francois Boulevard; accepting said facilities for City maintenance and liability purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 178,871; and authorizing official acts in connection with this Ordinance. (Public Works Department)

09/20/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101219 [Relocation Impact Study and Last Resort Housing Plan for Central Subway Project]
Ordinance approving the San Francisco Municipal Transportation Agency's Relocation Impact Study and Last Resort Housing Plan for the Central Subway Project. (Municipal Transportation Agency)

09/20/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/28/2010.

PROPOSED RESOLUTIONS

101213 [Airline/Airport 2011 Lease and Use Agreement with Various Airlines]
Resolution approving six new Airline/Airport Lease and Use Agreements between the City and County of San Francisco and various airlines, effective July 1, 2011, to allow such Airlines to conduct domestic and international flight operations at San Francisco International Airport. (Airport Commission)

09/15/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101214 [Airline/Airport Lease and Use Agreement and Lease and Operating Agreement Modifications with Alaska Airlines, Inc., and Continental Airlines, Inc.]
Resolution approving modifications to the terms of two Airline/Airport Lease and Use Agreements between the City and County of San Francisco and Alaska Airlines, Inc., and Continental Airlines, Inc., to allow such Airlines to modify the rental of Terminal Space. (Airport Commission)

09/15/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101215 [Leases of Real Property at 729 Filbert Street, 650 Fifth Street, 160 South Van Ness Avenue, and 109 New Montgomery Street]

Resolution authorizing the amendment of four existing leases (at 729 Filbert Street, 650 Fifth Street, 160 South Van Ness Avenue, and 109 New Montgomery Street) to reduce the rent and extend the lease term for the Department of Public Health, Human Services Agency, and the Department of Child Support Services. (Real Estate Department)

09/20/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Request Granted

From: Supervisors Chu & Avalos
To: SFMTA
Requesting/Inquiring: Requesting the SFMTA to provide information and statistics on the frequency and number of times the MTA has "short turned" MUNI LRV lines over the last two years. Please provide data specific to the west bound L Taraval and N Judah lines and outbound M Line. Please clarify MTA's policy of notification to MUNI riders of these disruptions, including plans to minimize impacts.

In Memoriams

Shirley Barisone – Supervisor Chu
William J. Patterson – Supervisor Dufty
Campbell Ross Ehrlich – Full Board
Kathleen Cecil – Supervisors Avalos & Mar

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:45 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on November 2, 2010.

Angela Calvillo, Clerk of the Board

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

GOVERNMENT
DOCUMENTS DEPT

DEC 16 2011

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PUBLIC LIBRARY

Tuesday, October 5, 2010 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Elsbernd	Wednesday 11:00 AM
City and School District Select Committee Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, Avalos, Dufty	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mar, Chu, Maxwell	2nd and 4th Thursday 10:30 AM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Elsbernd	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Alioto-Pier, Mar	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:10 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

101036 [Contract with the State of California Office of Administrative Hearings to Provide Administrative Law Judges to Serve as Hearing Officers on Administrative Appeals]

Resolution authorizing the Department of Emergency Management to enter into a contract with the State of California Office of Administrative Hearings to provide administrative law judges to serve as hearing officers on administrative appeals from certification actions by the San Francisco Emergency Medical Services Agency. (Department of Emergency Management)

ADOPTED

Recommendations of the City Operations and Neighborhood Services Committee

100526 [Gift Acceptance - Fire Department - Five Commercial Washer-Extractors - $44,000]

Resolution authorizing the San Francisco Fire Department to accept a gift from the San Francisco Firefighters' Cancer Prevention Foundation of five commercial washer-extractors valued at approximately $44,000 to clean personal protective equipment. (Fire Department)

ADOPTED

101149 [Liquor License, 1097 Howard Street, #209]

Resolution determining that the issuance of a Type 42 on-sale beer and wine license to Christy Bergman for The Secret Wine Shop at 1097 Howard St., #209 (District 6), will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED

101160 [Accept and Expend Grant - Department of Public Health - Pierce's Disease Control and Organic Program - $128,916.32]

Sponsor: Alioto-Pier

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively two grants (Agreements Nos. 10-0347 and 10-153) totaling $128,916.32 from the California Department of Food and Agriculture (CDFA) to fund the Pierce's Disease Control Program for the period of July 1, 2010, through June 30, 2012, and the Organic Program for the period of July 1, 2010, through June 30, 2011.

ADOPTED

101162 [Accept and Expend Grant - Department of Public Health - Project for Assistance in Transition from Homelessness - $631,739]

Sponsor: Dufty

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the United States Department of Health and Human Services in the amount of $631,739 to fund the project entitled "Project for Assistance in Transition from Homelessness" for the period July 1, 2010, through June 30, 2011.

ADOPTED

101163 [Accept and Expend Grant - Department of Public Health - Community Risk Reduction Plan - $49,995]

Sponsors: Maxwell; Mar

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $49,995 from the Bay Area Air Quality Management District, to support a project entitled "Community Risk Reduction Plan" for the period of July 1, 2010, through December 30, 2011.

Supervisor Mar requested to be added as a co-sponsor.

ADOPTED

Recommendations of the Land Use and Economic Development Committee

100757 [Public Works Code - Minor Encroachment Fee Waiver for Affordable Housing Projects]

Sponsor: Daly

Ordinance amending Public Works Code, Article 15, Section 723.2, to provide for a waiver of the annual public right-of-way occupancy fee for minor sidewalk encroachment permits necessary for the development of 100% affordable housing projects and adopting environmental findings.

FINALLY PASSED

100851 [Planning Code - Rehabilitation and Maintenance of Transfer Lots After Sale of Transferable Development Rights; Zoning Map and General Plan Map Amendments - 680 California Street (Old St. Mary's Cathedral)]

Sponsors: Chiu; Maxwell

Ordinance amending Section 128 of the San Francisco Planning Code to require that proceeds from the sale of Transferable Development Rights (TDR) be spent on rehabilitation and maintenance of the Transfer Lot property, to establish reporting procedures regarding the rehabilitation and maintenance, and to allow the sale of TDR from an individually landmarked building to any lot in a C-3 zoned district except Redevelopment Areas; amending the San Francisco Zoning Map by amending Zoning Use District Map ZN01 to change the use classification of 680 California Street (Old St. Mary's Cathedral), Block No. 0241, Lot Nos. 011 and 012, from Chinatown Visitor Retail District to C-3-0 District and making conforming amendments to the Chinatown and Downtown Area Plans of the San Francisco General Plan; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Department)

FINALLY PASSED

100918 [Mission Bay North - Blocks N3-N3A Public Infrastructure Improvements]

Sponsor: Daly

Ordinance accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay North - Blocks N3-N3A, including acquisition facilities on portions of King Street, Berry Street, Fourth Street, and Fifth Street; declaring such areas as shown on official Department of Public Works maps as open public right-of-way; designating such areas and improvements for street and roadway purposes; establishing street grades and sidewalk widths; accepting said facilities for City maintenance and liability purposes, subject to specified limitations; accepting a pedestrian access and utility easement relating to the project; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 178,752; and authorizing official acts in connection with this Ordinance. (Public Works Department)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Vetoed by the Mayor

Supervisor Alioto-Pier Excused from Voting

Supervisor Elsbernd, seconded by Supervisor Dufty, previously moved that Supervisor Alioto-Pier be excused from voting on File No. 100865 at the Regular Meeting of September 21, 2010. The motion carried by the following vote:

Ayes: 9 - Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 2 - Alioto-Pier, Campos

100865 [Establishing an Alcohol Cost Recovery Fee]
Sponsors: Avalos; Mirkarimi, Maxwell, Mar, Daly and Campos
Ordinance amending the San Francisco Administrative Code, Chapter 106, by adding Sections 106 through 106.28, to impose a fee on alcoholic beverage wholesalers and certain other persons who distribute or sell alcoholic beverages in San Francisco to: 1) recover a portion of San Francisco's alcohol-attributable unreimbursed health costs, and; 2) fund administration costs.

APPROVED OVER THE MAYOR'S VETO. The motion FAILED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 3 - Chu, Dufty, Elsbernd
Excused: 1 - Alioto-Pier

NEW BUSINESS

Recommendations of the Budget and Finance Committee

101103 [Appropriating $2,188,777 of General Fund Reserve for Indigent Defense Expenses in the Superior Court for FY2009-2010]
Sponsor: Mayor
Ordinance appropriating $2,188,777 of General Fund Reserve to fund indigent defense expenses associated with increased felony caseloads in the Superior Court for FY2009-2010, requiring a two-thirds affirmative vote of all members of the Board of Supervisors per San Francisco Charter Section 9.113.
(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100983 [Approve Modification of Lease - Airport Commission - Japan Airlines]
Resolution approving and authorizing the execution of Modification No. 1 to Lease No. L01-0297 with Japan Airlines Company Limited to reduce the demised premises and the annual rent at Building 944 on Plot 50B-1 at San Francisco International Airport. (Airport Commission)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101202 [Annual Report - 2500 Block of Mission Street Business Improvement District]
Sponsor: Campos
Resolution receiving and approving the 2500 Block of Mission Street Business Improvement District Annual Reports for FYs2007, 2008, and 2009, as submitted, pursuant to Section 36650 of the Business Property and Business Improvement Act of 1994 (California Streets and Highways Code §§36600 et seq.) and Section 3.4 of the District's Management Contract with the City.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the City Operations and Neighborhood Services Committee

100528 [Exempting Certain Nonprofits from Guide Permit Requirement]
Sponsor: Alioto-Pier
Ordinance amending the San Francisco Police Code by amending Section 1295 to exempt nonprofit organizations conducting educational tours from the requirement to obtain a guide permit.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101178 [Honoring Local Restaurants During Restaurant Appreciation Month]
Sponsors: Alioto-Pier; Mar
Ordinance amending the San Francisco Health Code by adding Section 456.7 requiring the San Francisco Health Department to declare one month out of the year "Restaurant Appreciation Month" to honor certain local restaurants and to create an application and selection process to identify qualifying restaurants.

Supervisor Mar requested to be added as a co-sponsor.

Supervisor Campos, seconded by Supervisor Alioto-Pier, moved that this Ordinance be AMENDED on Page 2, Line 16, by adding '3. This criteria, application, and selection process, should include a review and analysis of the restaurant's labor practices towards its employees including but not limited to employees' regular and overtime wage rates, the restaurants' break policies, tip policies, health and safety training protocols, worker's compensation insurance coverage plans, sick leave policies, health insurance or coverage options offered to employees, family leave policies, and non-discrimination policies or protocols.' The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100645 [Naming the 17th Street Pedestrian Plaza in the Castro as Jane Warner Plaza]
Sponsor: Dufty
Resolution naming the 17th Street pedestrian plaza located at the intersection of 17th Street, Castro Street, and Market Street as Jane Warner Plaza.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Government Audit and Oversight Committee

100873 [Animal Care and Control Welfare Fund - Not to Exceed $50,000]
Sponsors: Chu; Mar
Ordinance amending the San Francisco Administrative Code, Chapter 10, by amending Section 10.100-23, to change the gift fund category for the Animal Care and Control Welfare Fund, and to authorize the Department of Animal Care and Control to accept gifts of cash, equipment, property, and services not to exceed $50,000.

Supervisor Mar requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100877 [Board Response to the 2009-2010 Civil Grand Jury Report Entitled "Sharing the Roadway: From Confrontation to Conversation"]
Sponsor: Mar
Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2009-2010 Civil Grand Jury Report entitled "Sharing the Roadway: From Confrontation to Conversation" and urging the Mayor to cause the implementation of accepted findings and recommendations through department heads and through the development of the annual budget.

Supervisor Mar requested to be added as sponsor.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Land Use and Economic Development Committee

Supervisor Daly Excused from Voting

Supervisor Mirkarimi, seconded by Supervisor Dufty, moved that Supervisor Daly be excused from voting on File No. 100188. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Daly

100188 [Zoning - 1800 Market Street Community Center Project Special Use District]
Sponsors: Dufty; Mirkarimi

Ordinance amending the San Francisco Planning Code by adding Section 787 to establish the 1800 Market Street Community Center Project Special Use District for property located at 1800 Market Street (Lot No. 014, Assessor's Block No. 871), located at the northwest corner of Market Street and Octavia Boulevard; amending Sheet No. SU07 of the Zoning Map of the City and County of San Francisco to reflect this new Special Use District; and adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

Supervisor Mirkarimi requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Daly

SPECIAL ORDER 2:30 P.M.

101031 [Public Hearing - Appeal of Final Environmental Impact Report for 222-2nd Street]
Hearing of persons interested in or objecting to the decision of the Planning Commission's August 12, 2010, Certification of a Final Environmental Impact Report identified as Planning Case No. 2006.1106E, through its Motion No. 18166, for a proposed office project located at 222-2nd Street with 430,650 gross square feet of office space, approximately 4,963 square feet of ground-floor retail space; and approximately 27,932 square feet of parking area located on two below ground parking levels, with approximately 54 parking spaces, with the capacity for 80 vehicles with valet parking within the C-3-O (SD) Downtown Office (Special Development) District and 350-S/150-S Height and Bulk Districts, Lot No. 063, in Assessor's Block No. 3735. (District 6) (Appellant: Sue C. Hestor, on behalf of 246-2nd Street Owners Association)
(Filed September 1, 2010; Companion to File Nos. 101032, 101033, 101034.)

The President inquired as to whether any member of the public wished to address the Board. Sue Hestor and Armand Der-Hacobian (Appellants) provided an overview of the appeal and further requested the Board to approve the appeal. Greg Patterson; Female Speaker; Will Peeler; Tom Amimotto; Edmond Juicye; spoke in support of the appeal. There were no other speakers in support of the appeal. John Rahaim, Director of the Planning Department, Michael Jacinto and Sarah Jones (Planning Department) provided details of the project and responded to questions raised throughout the discussion. Andrew Junius (Project Sponsor) provided details of the project and further requested the Board to uphold the decision of the Planning Commission. Male Speaker; Justin Bettercry; Michael Theriault; Joel Koppel; Victor Gonzalez; Carl Shannon; spoke in support of the project and in opposition to the appeal. There were no other speakers in support of the project. Sue Hestor (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

101032 [Affirming the Certification of the 222-2nd Street Project Final Environmental Impact Report]
Motion affirming the certification by the Planning Commission the Final Environmental Impact Report for the 222-2nd Street Project.

Supervisor Daly, seconded by Supervisor Campos, moved that this Motion be TABLED. The motion FAILED by the following vote:
Ayes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi
Noes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell

Supervisor Elsbernd, seconded by Supervisor Dufty, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 7 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi
Noes: 4 - Avalos, Campos, Daly, Mar

101033 [Reversing the Certification of the 222-2nd Street Project Final Environmental Impact Report]

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 222-2nd Street Project.

Supervisor Daly, seconded by Supervisor Campos, moved that this Motion be APPROVED. The motion FAILED by the following vote:
Ayes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi
Noes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell

Supervisor Elsbernd, seconded by Supervisor Dufty, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 7 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi
Noes: 4 - Avalos, Campos, Daly, Mar

101034 [Preparation of Findings to Reverse Certification of the 222-2nd Street Project Final Environmental Impact Report]

Motion directing the Clerk of the Board to prepare findings reversing the certification of the Final Environmental Impact Report for the 222-2nd Street Project.

Supervisor Daly, seconded by Supervisor Campos, moved that this Motion be APPROVED. The motion FAILED by the following vote:
Ayes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi
Noes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell

Supervisor Elsbernd, seconded by Supervisor Dufty, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 7 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi
Noes: 4 - Avalos, Campos, Daly, Mar

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

101249 [Public Hearing - Resolution to Establish (Renew) the 2500 Block of Mission Street Business Improvement District, to Now be Known as the Mission Miracle Mile Business Improvement District]

Sponsor: Campos

Hearing of persons interested in or objecting to proposed Resolution establishing a property-based Business Improvement District to now be known as the "Mission Miracle Mile Business Improvement District," by: (1) renewing the previously established 2500 Block of Mission Street Business Improvement District for a period of five years and six months; (2) approving the management district plan and engineer's report and boundaries map; (3) ordering the levy and collection of assessments against the property located in the Mission Miracle Mile Business Improvement District for five years, for FYs2010-2011 through 2014-2015 (each FY begins on July 1 and ends the following June 30), subject to conditions as specified; (4) approving services, improvements, and activities to be provided through December 31, 2015; and (5) making environmental findings. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Committee of the Whole. Phillip Lessor; Edmond Juicye; spoke in support of the assessment district. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

101250 [Resolution to Establish (Renew) the 2500 Block of Mission Street Business Improvement District, to Now be Known as the Mission Miracle Mile Business Improvement District]

Sponsor: Campos

Resolution establishing a property-based Business Improvement District to now be known as the "Mission Miracle Mile Business Improvement District," by: (1) renewing the previously established 2500 Block of Mission Street Business Improvement District for a period of five years and six months; (2) approving the management district plan and engineer's report and boundaries map; (3) ordering the levy and collection of assessments against the property located in the Mission Miracle Mile Business Improvement District for five years, for FYs2010-2011 through 2014-2015 (each FY begins on July 1 and ends the following June 30), subject to conditions as specified; (4) approving services, improvements, and activities to be provided through December 31, 2015; and (5) making environmental findings.

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that the returned weighted ballots voting for the Mission Mirale Mile BID was 82.56%, and the returned weighted ballots voting against the Mission Miracle Mile BID was 17.44%, further indicating there was no majority protest.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Dufty

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Alioto-Pier, seconded by Supervisor Mar, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Alioto-Pier introduced, welcomed, and presented a Certificate of Honor to Ron Blatman in recognition for his Saving the Bay series and continued community involvement.

Supervisor Chiu introduced, welcomed, and presented a Certificate of Honor to Augustino Crotti of Tomasso's in recognition of the restaurant's 75th Anniversary and continued community involvement.

Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to Pat Kaussen of the Richmond District Neighborhood Center in recognition of the center's accomplishments and continued community involvement.

Supervisor Campos introduced, welcomed, and presented a Certificate of Honor to the members of the California Coalition for Domestic Worker's Rights in recognition of their campaign to pass a Domestic Worker Bill of Rights in California and continued community involvement.

SPECIAL ORDER 4:00 P.M.

101135 [Appeal of Conditional Use for 1268 Grant Avenue Project]

Hearing of persons interested in or objecting to the decision of the Planning Commission's August 5, 2010, Conditional Use Authorization identified as Planning Case No. 2010.0438C, by its Motion No. 18160, under Planning Code Section 790.38, to allow an Other Entertainment use, in an existing restaurant and bar (dba King of Thai Noodle House) located at 1268 Grant Avenue, within the North Beach Neighborhood Commercial District (NCD), the 40-X Height and Bulk District, and the North Beach Special Use District (SUD), in Assessor's Block No. 0145, Lot No. 032. (District 3) (Filed by Vedica Puri, on behalf of the Telegraph Hill Dwellers, and subscribed by Supervisors Chiu, Avalos, Campos, Mar, and Maxwell.)
(Filed September 7, 2010; Companion Measure to File Nos. 101136, 101137 and 101138.)

The President inquired as to whether any member of the public wished to address the Board. Vedica Puri (Appellant) provided an overview of the appeal and further requested the Board to approve the appeal. Joan Wood; Howard Wong; Tara-May Herozarian; Mark Bitner; Judy Irving; Jeri Crawley; spoke in support of the appeal. There were no other speakers in support of the appeal. Tara Sullivan (Planning Department) and Commander Jim Dudley (Police Department) provided details of the project and responded to questions raised throughout the discussion. Arthur Lipton (Project Sponsor) provided details of the project and further requested the Board to uphold the decision of the Planning Commission. Stephen Cazala; Anthony Chaichana (Owner); spoke in support of the project and in opposition to the appeal. There were no other speakers in support of the project. Vedica Puri (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

101136 [Approving Planning Commission Decision Related to Conditional Use Appeal for 1268 Grant Avenue]

Motion approving decision of the Planning Commission by its Motion No. 18160, approving Conditional Use Application No. 2010.0438C on property located at 1268 Grant Avenue, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Chiu, seconded by Supervisor Dufty, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101137 [Disapproving Planning Commission Decision Related to Conditional Use Appeal for 1268 Grant Avenue]

Motion disapproving decision of the Planning Commission by its Motion No. 18160, approving Conditional Use Application No. 2010.0438C on property located at 1268 Grant Avenue, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Chiu, seconded by Supervisor Dufty, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101138 [Preparation of Findings Related to the Conditional Use Appeal for 1268 Grant Avenue]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2010.0438C on property located at 1268 Grant Avenue. (Clerk of the Board)

Supervisor Chiu, seconded by Supervisor Dufty, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 4:00 P.M.

Supervisor Elsbernd Excused from Voting

Supervisor Dufty, seconded by Supervisor Chu, moved that Supervisor Elsbernd be excused from voting on File Nos. 101185, 101186, 101187, and 101188. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

101185 [Appeal of Tentative Parcel Map for 0 Los Palmos Drive (Vacant) and 795 Foerster Street]

Hearing of persons interested in or objecting to the decision of the Department of Public Works dated September 7, 2010, affirming the approval of a Tentative Parcel Map for 4 lots subdivision project located at 0 Los Palmos Drive (vacant), Lot No. 116, in Assessor's Block No. 3027A, and 795 Foerster Street, Lot No. 117, in Assessor's Block No. 3027A. (District 7) (Appellant: Sina Tarassoly)

(Filed September 17, 2010; Companion Measure to File Nos. 101186, 101187 and 101188.)

The President inquired as to whether any member of the public wished to address the Board. Sina Tarassoly (Appellant) provided an overview of the appeal and further requested the Board to approve the appeal. Karen Bronsin; M.J. Parker; Otis Morgan; Ed Kelly; Rod Gunthry; Joseph Torrico; Male Speaker; Tony Arson; spoke in support of the appeal. There were no other speakers in support of the appeal. Bruce Storrs (Department of Public Works), Tara Sullivan and Scott Sanchez (Planning Department) provided details of the project and responded to questions raised throughout the discussion. Brett Gladstone (Project Sponsor) provided details of the project and further requested the Board to uphold the decision of the Public Works Department. There were no speakers in support of the project. Sina Tarassoly (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

101186 [Approving Decision of the Department of Public Works and Approving the Tentative Parcel Map for 0 Los Palmos Drive (Vacant) and 795 Foerster Street]

Motion approving the decision of the Department of Public Works, finding the Tentative Parcel Map consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1, and approving the Tentative Parcel Map for a 4-lot subdivision located at 0 Los Palmos Drive (vacant), Assessor's Block No. 3027A, Lot No. 116; and 795 Foerster Street, Assessor's Block No. 3027A, Lot No. 117.

Supervisor Chu, seconded by Supervisor Dufty, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

101187 [Disapproving Decision of the Department of Public Works and Disapproving the Tentative Parcel Map for 0 Los Palmos Drive (Vacant) and 795 Foerster Street]
Motion disapproving the decision of the Department of Public Works, finding the Tentative Parcel Map consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1, and disapproving the Tentative Parcel Map for a 4-lot subdivision located at 0 Los Palmos Drive (vacant), Assessor's Block No. 3027A, Lot No. 116; and 795 Foerster Street, Assessor's Block No. 3027A, Lot No. 117.

Supervisor Chu, seconded by Supervisor Dufty, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

101188 [Findings Related to the Tentative Parcel Map Disapproval for 0 Los Palmos Drive (Vacant) and 795 Foerster Street]
Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision to disapprove the Tentative Parcel Map for a 4-lot subdivision located at 0 Los Palmos Drive (vacant), Assessor's Block No. 3027A, Lot No. 116; and 795 Foerster Street, Assessor's Block No. 3027A, Lot No. 117.

Supervisor Chu, seconded by Supervisor Dufty, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

COMMITTEE REPORTS

Recommendations of the Rules Committee

100906 [Appointment, Police Commission - R. James Slaughter]
Sponsor: Mayor
Motion confirming the Mayor's nomination of, and appointing, R. James Slaughter to the San Francisco Police Commission for the unexpired portion of a four-year term ending April 30, 2012. (Section 4.109 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - August 12, 2010.)

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

100776 [Reappointment, Planning Commission - Gwyneth Borden]

Motion approving the Mayor's reappointment of Gwyneth Borden to the Planning Commission term ending July 1, 2014. (Clerk of the Board)

(Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 100777. Transmittal date - September 2, 2010.)

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101212 [Outside Counsel for Mayoral Succession Issues]

Sponsor: Chiu

Resolution approving the retention of the Office of Santa Clara County Counsel to advise the City, in place of the City Attorney's Office, on legal issues relating to Mayoral succession.

(Supervisor Alioto-Pier dissented in Committee.)

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 1 - Alioto-Pier

Recommendation of the Land Use and Economic Development Committee

101115 [Directing the Director of the Office of Economic and Workforce Development to Prepare an Infrastructure Financing Plan]

Sponsor: Mayor

Resolution authorizing and directing the Controller and his designee to prepare a report for Infrastructure Financing District No. 1 (Rincon Hill Area) and determining other matters related thereto.

This item was not sent as a Committee Report.

101116 [Resolution of Intention to Establish an Infrastructure Financing District]

Sponsor: Mayor

Resolution of Intention to establish an Infrastructure Financing District No. 1 (Rincon Hill Area) to finance the construction and/or acquisition of capital improvements in the Rincon Hill area; to call a public hearing on the formation of the district and to provide public notice thereof and other matters related thereto.

This item was not sent as a Committee Report.

101254 [Affirmation of Support of San Francisco's Bid for the 34th America's Cup and Endorsement of Host City]

Sponsors: Mayor; Chiu, Mirkarimi, Dufty, Alioto-Pier, Maxwell and Chu

Resolution supporting the efforts of the City and the San Francisco America's Cup Organizing Committee to bring the 34th America's Cup to the San Francisco Bay and encouraging BMW Oracle Racing and the Golden Gate Yacht Club to select San Francisco as the official Host City for the 34th America's Cup in 2013 and endorsing the Term Sheet for hosting the 34th America's Cup in San Francisco.

Privilege of the floor was granted to Jennifer Matz, Director of the Mayor's Office of Economic and Workforce Development, Rich Hillis and Kyri McClellan (OEWD), Monique Moyer, Director of the Port of San Francisco, and Elaine Forbes (Port) who responded to questions raised throughout the discussion regarding File No. 101254.

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 2 - Avalos, Daly

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Irene Krepps; expressed concerns relating to the proposed landfill contract.
Barbara Connolly; expressed concerns relating to the proposed landfill contract.
Jennifer Nicolletto; expressed concerns relating to an upcoming protest in Marin County.
Male Speaker; expressed various religious concerns.
Edmond Juicye; expressed various concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

Supervisor Elsbernd was noted absent at 7:05 p.m. for the remainder of the meeting.

101253 [Grant Application - Department of Public Health - Ryan White HIV Emergency Relief Program - $36,118,233]

Sponsors: Mayor; Dufty and Campos

Resolution authorizing the San Francisco Department of Public Health to submit an application to continue to receive funding for the "HIV/AIDS Emergency Relief Grant Programs (Ryan White Programs, Part A)" Grant from the Health Resources Services Administration, requesting $36,118,233 in HIV Emergency Relief Program funding for the San Francisco Eligible Metropolitan Area from March 1, 2011, through February 28, 2012.

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 1 - Elsbernd

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Alioto-Pier requested that File No. 101257 be severed so that it may be considered separately.

101257 [Condemning the September 24, 2010, FBI Raids]
Sponsors: Mar; Daly, Campos and Avalos
Resolution condemning the September 24, 2010, FBI raids on Trade Union, Anti-War, and Solidarity Activists.

Supervisor Campos requested to be added as a co-sponsor.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Resolution be CONTINUED to October 19, 2010. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 1 - Elsbernd

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or the Mayor

Ordinances

101268 [Waiver of Street Encroachment Inspection Fee for Golden Gate Transportation District]
Sponsor: Elsbernd
Ordinance waiving the Street Encroachment Permit Inspection Fee established through Public Works Code Section 2.1.1 for signs related to bus service for the Golden Gate Bridge, Highway, and Transportation District.

10/05/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101269 [Accept and Expend Grant - Probation Specialized Supervision Program and Amendment to the Annual Salary Ordinance for FY2010-2011 - $300,000]
Sponsor: Maxwell
Ordinance authorizing the Department of Adult Probation to retroactively accept and expend a grant in the amount of $300,000 from the California Emergency Management Agency for Probation Specialized Supervision Program federally funded through the Violence Against Women Act and amend Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect the addition of three (3) grant-funded positions (.75 FTE) in Class 8444 Deputy Probation Officer, (.50 FTE) in Class 9920 Public Service Aide/Probation Aide, and (.50 FTE) in Class 9920 Public Service Aide/Probation Aide at the Department of Adult Probation.

10/05/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101270 [Accept and Expend Grant - San Francisco Reentry Courts and Amendment to the Annual Salary Ordinance for FY2010-2011 - $500,000]
Sponsor: Mirkarimi
Ordinance authorizing the Adult Probation Department to retroactively accept and expend a grant in the amount of $500,000 from the Office of Justice Programs for funding under the Second Chance Act State, Local and Tribal Reentry Courts, and amend Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect the addition of (4) four grant funded positions; (.20 FTE) in Class 8138 Court Reporter at the Adult Probation Department, (.20 FTE) in Class 8113 Court Clerk at the Adult Probation Department, (.40 FTE) in Class 8177 Attorney at the Office of the Public Defender (PDR) and (.75 FTE) in Class 2912 Sr. Social Worker at the Department of Public Health.

10/05/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101271 [Appropriating $9,035,065 of Certificate of Participation Expenses for Capital Improvement Projects in the Department of Public Works and Mayor's Office on Disability for FY2010-2011]

Sponsor: Mayor

Ordinance appropriating $9,035,065 of Certificate of Participation Series 2011A Delivery Date Expenses to fund multiple Capital Improvement Projects in the Department of Public Works and Mayor's Office on Disability in the General Services Agency - Office of the City Administrator for FY2010-2011, and placing these funds on Controller's reserve pending issuance of the Certificates of Participation.

10/05/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101272 [Conflict of Interest Code Amendments]

Ordinance amending Chapter 1 of Article III of the Campaign and Governmental Conduct Code by amending Sections 3.1-107, 3.1-140, 3.1-150, 3.1-155, 3.1-175, 3.1-190, 3.1-195, 3.1-205, 3.1-207, 3.1-218, 3.1-240, 3.1-245, 3.1-250, 3.1-251, 3.1-267, 3.1-275, 3.1-312, 3.1-315, 3.1-320, 3.1-325, 3.1-355, 3.1-362, 3.1-365, 3.1-390, 3.1-422, 3.1-445, 3.1-450 to update the list of designated employees who must file financial disclosure statements and to modify the applicable disclosure categories and deleting Section 3.1-235 to reflect the current composition of City departments. (Clerk of the Board)

10/05/10; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 11/5/2010.

Resolutions

101273 [Accept and Expend Grant - Department of Public Library - Staff Education Program - $10,512]

Sponsor: Chu

Resolution authorizing the Department of Public Library to accept and expend a grant in the amount of $10,512 from the California State Library as part of the Federal Library Services and Technology Act for reimbursing tuition expenses of library employees pursuing a degree or certificate in library science at an institution of higher education.

10/05/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101274 [Accept and Expend Grant - Arts Commission - Koret Foundation for ArtCare Program - $15,000]

Sponsor: Dufty

Resolution authorizing the San Francisco Arts Commission to retroactively accept and expend a grant in the amount of $15,000 from the Koret Foundation for general operating support of the ArtCare program.

10/05/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101275 [Accept and Expend Grant - Illegal Dumping Abatement Project - Not to Exceed $350,000]
Sponsor: Maxwell
Resolution authorizing the Director of the Department of Public Works to apply for, accept and expend a grant in the amount of up to but not to exceed $350,000 from the Solid Waste Disposal Clean-up Site Trust Fund for clean-up of illegal dumping sites in San Francisco.

10/05/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

101276 [Preventing Bullying and Suicide of Lesbian, Gay, Bisexual, Transgender and Questioning (LGBTQ) Youth]
Sponsors: Campos; Dufty, Alioto-Pier, Mar and Avalos
Resolution affirming the importance of maintaining a safety net for LGBTQ youth, and encouraging schools, colleges, and universities to prevent bullying and raise awareness about LGBTQ suicide prevention services.

10/05/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101278 [Proclaiming November 5, 2010, as Angels in America Day]
Sponsors: Dufty; Campos
Resolution proclaiming November 5, 2010, as Angels in America Day in San Francisco to recognize the tremendous worldwide impact Tony Kushner's play has had since it first premiered at San Francisco's Eureka Theater in 1991.

10/05/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101279 [Accept and Expend Grant - Arts Commission - Tulsa Community Foundation for ArtCare Program - $5,000]
Sponsor: Dufty
Resolution authorizing the San Francisco Arts Commission to retroactively accept and expend a grant in the amount of $5,000 from the Tulsa Community Foundation for general operating support of the ArtCare program.

10/05/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101280 [Supporting Greenhouse Gas Reduction Targets]
Sponsor: Mar
Resolution supporting the California Air Resources Board's leadership in developing and implementing strategies for meeting California's greenhouse gas reduction targets, and in promoting emission reductions from motor vehicles.

10/05/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101281 [Issuance and Sale of Revenue Bonds - 2235-3rd Street Apartments - Not to Exceed $60,000,000]
Sponsor: Maxwell
Resolution approving the issuance and sale of tax-exempt bonds by the Association of Bay Area Governments Finance Authority For Nonprofit Corporations in an aggregate principal amount not to exceed $60,000,000 for financing the acquisition, construction and rehabilitation of 2235-3rd Street Apartments, subject to the policies for such approvals adopted by the Board of Supervisors.

10/05/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101282 [Accept and Expend Grant - The ARTery Project - $250,000]
Sponsors: Mayor; Dufty
Resolution authorizing the San Francisco Arts Commission to retroactively accept and expend a grant in the amount of $250,000 from the National Endowment for the Arts for the Mid Market Cultural District Partnership, now called The ARTery Project.

10/05/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests for Hearing

101283 [San Francisco Public Utilities Commission's Community Benefits Program]
Sponsor: Maxwell
Hearing on the status of the San Francisco Public Utilities Commission's Community Benefits Program.

10/05/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101284 [Review of Fiscal Impacts of Hosting the America's Cup]
Sponsor: Mirkarimi
Hearing before the Budget and Finance Committee to review the fiscal feasibility and responsibility, including analysis from the Budget Analyst, of the City hosting the America's Cup Regatta under the conditions contemplated and set forth in the "Term Sheet" to fully understand and define the City's expectations for both the short term and long term benefits that would accrue to the City for the purposes of negotiating a formal Host City Agreement.
(Economic Impact.)

10/05/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Motions

101277 [Waiver Permitting City Employees to Assist the Department of Elections with the November 2, 2010, Consolidated General Election]
Sponsor: Chiu
Motion granting a waiver from the prohibition imposed by Charter Section 13.104.5, to permit City employees to assist the Department of Elections with the November 2, 2010, Consolidated General Election.

10/05/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101285 [Confirming Reappointment, Edwin Lee as City Administrator]
Sponsor: Mayor
Motion confirming the reappointment of Edwin Lee to a five-year term as City Administrator under Charter Section 3.104.

10/05/10; RECEIVED AND ASSIGNED to Rules Committee.

Introduced by the President at the Request of Departments

PROPOSED ORDINANCES

101229 [Planning Code - Landmark Designation of 1890 Chestnut Street (Marina Branch Library)]
Sponsor: Alioto-Pier
Ordinance designating 1890 Chestnut Street (Marina Branch Library), Lot No. 001 in Assessor's Block No. 0469, as a Landmark under Article 10 of the San Francisco Planning Code; and adopting General Plan, Planning Code Section 101.1 and environmental findings. (Planning Department)

09/23/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101230 [Planning Code - Landmark Designation of 2000 Mason Street (North Beach Branch Library)]
Ordinance designating 2000 Mason Street (North Beach Branch Library), Lot No. 001 in Assessor's Block No. 0074, as a Landmark under Article 10 of the San Francisco Planning Code; and adopting General Plan, Planning Code Section 101.1 and environmental findings. (Planning Department)

09/23/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101231 [Settlement of Lawsuit - Galliera, Inc. dba Trico Construction - $700,000]
Ordinance authorizing settlement of the lawsuit filed by Galliera, Inc. dba Trico Construction against the City and County of San Francisco for $700,000; the lawsuit was filed on December 29, 2008, in San Francisco Superior Court, Case No. CGC-08-483555, entitled Galliera, Inc. dba Trico Construction v. City and County of San Francisco, et al.; other material terms of the settlement are: (1) the settlement includes the consolidated action Cal Centurian Construction, Inc. dba RWR Construction v. Galliera, Inc. dba Trico Construction, et al., San Francisco Superior Court, Case No. CGC-09-485849, (2) the settlement includes all cross-complaints, (3) mutual releases except for warranties, guarantees, latent defects, and personal injury, (4) dismissal of all complaints and cross-complaints with prejudice, and (5) each party to bear its own attorneys fees and costs. (City Attorney)

09/27/10; RECEIVED AND ASSIGNED to Rules Committee.

101232 [Settlement of Lawsuit - Jeri D. Sessler - $75,000]
Ordinance authorizing settlement of the lawsuit filed by Jeri D. Sessler against the City and County of San Francisco for $75,000; the lawsuit was filed on June 3, 2009, in San Francisco Superior Court, Case No. CGC-09-488998; entitled Jeri D. Sessler, et al. v. City and County of San Francisco, et al. (City Attorney)

09/27/10; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

101222 [Settlement of Unlitigated Claim - Lily Martene Baxter - $45,000]
Resolution approving the settlement of the unlitigated claim filed by Lily Martene Baxter against the City and County of San Francisco for $45,000; claim was filed on February 10, 2010. (City Attorney)

09/21/10; RECEIVED AND ASSIGNED to Rules Committee.

101223 [Settlement of Unlitigated Claim - Adam Feibelman - $55,000]
Resolution approving the settlement of the unlitigated claim filed by Adam Feibelman against the City and County of San Francisco for $55,000; claim was filed on February 10, 2010. (City Attorney)

09/21/10; RECEIVED AND ASSIGNED to Rules Committee.

101224 [Settlement of Unlitigated Claim - McLarens Young International - $70,000]
Resolution approving the settlement of the unlitigated claim filed by McLarens Young International against the City and County of San Francisco for $70,000; claim was filed on May 25, 2010. (City Attorney)

09/21/10; RECEIVED AND ASSIGNED to Rules Committee.

101225 [Approving Landfill Disposal and Facilitation Agreements - Department of the Environment - Recology San Francisco]
Resolution approving a ten-year Landfill Disposal Agreement and Facilitation Agreement with Recology San Francisco under Charter Section 9.118. (Environment)

09/23/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101227 [Street Artist Spaces - 17th Street at Castro and Market Streets]
Resolution approving continued designation of eight (8) former temporary selling spaces in "mini-plaza" on 17th Street at Castro and Market Streets for street artists certified by the Arts Commission, City and County of San Francisco; exempting said spaces from the regulation of Police Code Section 2405(c)(11) relating to distance between street artists. (Arts Commission)

09/24/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101228 [Contract Modification - Hamilton Family Center - $180,000]
Resolution concurring with the Human Services Agency's Declaration of Emergency to modify the contract between the City and County of San Francisco and Hamilton Family Center to provide emergency elevator repairs for the family shelter in the amount of $180,000. (Human Services Department)

09/24/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101233 [Settlement of Unlitigated Claim - Danielle J. Rinsler - $215,000]

Resolution approving the settlement of the unlitigated claim filed by Danielle J. Rinsler against the City and County of San Francisco for $215,000; Government Code Claim was filed on November 24, 2009, (Govt. Claim No. 10-01422) and California Department of Fair Employment & Housing charge was filed on January 11, 2010, (Charge No. E200910A0351-rsc). (City Attorney)

09/27/10; RECEIVED AND ASSIGNED to Rules Committee.

101258 [Functional Classification Change for Local Streets]

Resolution approving the Department of Public Works recommended changes to the Functional Classification of local streets and roads and directing the Department to submit this resolution to the State of California, Department of Transportation. (Public Works Department)

09/23/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

Requests Granted

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from newsstands at the following locations:

San Francisco Bay Guardian
Southeast corner of Fillmore and Post
Southwest corner of Divisadero and Sutter
9th Avenue and Judah (near bus stops)
7th Avenue and Irving (near bus stops)
Northwest corner of Hayes and Fillmore
Southeast corner of Fillmore and Haight

San Francisco Chronicle
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore
Irving and 9th Avenue
Irving and 7th Avenue
Southwest corner of Haight and Clayton
Southeast corner of Haight and Masonic

Examiner
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore

SF Daily
Northwest corner of Hayes and Gough

City Star
Northwest corner of Hayes and Gough
Southeast corner of Fillmore and Haight

SF Weekly
Southeast corner of Masonic and Haight
Southeast corner of Haight and Fillmore

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti at the following private property locations:

998 Oak, on side of building, Scott street side
815 Fell
1170 Fell
890 Page, on Scott street side
798 Haight
208 Scott
250 Scott
1668 Haight
500 Divisadero, on the Fell street side
1151 Fell
949 Fell
350 Laguna

457 Haight
533 Haight
446 Haight
448 Haight
673 Haight
681 Haight

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:

Garbage Can
Northeast corner Grove and Webster
Northeast corner Hayes and Fillmore
Southeast corner Fell and Fillmore
Southwest corner Lyon and Haight

Mailbox
In front of the DMV, Fell street side
Southeast corner Oak and Fillmore
Southwest Fillmore and Hermann

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations:

Metal Pole
In front of 973 Haight
In front of 943 Haight
Northeast corner Webster and McAllister
Northeast corner Masonic and Waller
Southwest corner Broderick and Haight
Southeast corner Lyon and Haight
Across the street from 937 Buena Vista East
Across the street from 1216 Haight
Across the street from 1250 Haight

Wood Pole
East of 530 Grove
Northwest corner Ivy and Gough

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the public property located at the following locations:

Utility Boxes
Northeast corner Buchanan and Fell
Northeast corner Linden and Buchanan
Northeast corner Oak and Buchanan
Northeast corner Masonic and Waller
Southeast corner Fell and Fillmore

Bus Shelter
Northeast and Southwest corners Laguna and McAllister

Southwest corner Divisadero and Haight
Southwest corner Grove and Gough
Southwest corner Buena Vista East and Haight
Southwest corner Buchanan and Haight
Fillmore and Haight (all 4 bus stops, graffiti and grime and canopies are graffiti)

From: Supervisor Mirkarimi
To: City Attorney
To: Director, Department of Building Inspection
To: Director, Department of Real Estate
To: Director, Municipal Transportation Agency
To: Director, Office of Economic and Workforce Development
To: Director, Recreation and Park Department
To: Director, Redevelopment Agency
Requesting/Inquiring: Requesting the following City agencies to identify staff contacts for the purpose of participating in a Japantown City Agency Work Group to coordinate efforts between the City, consultants and the community on the Planning Department's Japantown Better Neighborhoods Plan.

From: Supervisor Chiu
To: City Attorney
Requesting/Inquiring: Requesting the City attorney to draft legislation restricting the use of amplified sound systems on open-air sightseeing buses in San Francisco.

In Memoriams

Tyler Clementi - Entire Board
Rod Billings - Supervisor Dufty

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 8:32 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on November 9, 2010.

Angela Calvillo, Clerk of the Board

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

GOVERNMENT
DOCUMENTS DEPT

DEC 16 2011

SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, October 19, 2010 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Elsbernd	Wednesday 11:00 AM
City and School District Select Committee Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, Avalos, Dufty	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mar, Chu, Maxwell	2nd and 4th Thursday 10:30 AM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Elsbernd	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Alioto-Pier, Mar	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:09 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

101165 [Accept and Expend Grant - San Francisco Arts Commission - WritersCorps Program - $50,000]
Sponsor: Mayor
Resolution authorizing the San Francisco Arts Commission to retroactively accept and expend a grant in the amount of $50,000 from the National Endowment for the Arts Learning in the Arts for Children and Youth for general operating support for WritersCorps.
ADOPTED

Recommendation of the City Operations and Neighborhood Services Committee

100528 [Exempting Certain Nonprofits from Guide Permit Requirement]
Sponsor: Alioto-Pier
Ordinance amending the San Francisco Police Code by amending Section 1295 to exempt nonprofit organizations conducting educational tours from the requirement to obtain a guide permit.
FINALLY PASSED

Recommendation of the Government Audit and Oversight Committee

100873 [Animal Care and Control Welfare Fund - Not to Exceed $50,000]
Sponsors: Chu; Mar
Ordinance amending the San Francisco Administrative Code, Chapter 10, by amending Section 10.100-23, to change the gift fund category for the Animal Care and Control Welfare Fund, and to authorize the Department of Animal Care and Control to accept gifts of cash, equipment, property, and services not to exceed $50,000.

FINALLY PASSED

Recommendations of the Rules Committee

100910 [Settlement of Lawsuit - California Department of Fair Employment and Housing (Zimmerman) - $105,000]
Ordinance authorizing settlement of the lawsuit filed by the California Department of Fair Employment and Housing (Plaintiff), Linda Zimmerman (Real Party in Interest) against the City and County of San Francisco for $105,000, the lawsuit was filed on March 4, 2009, in San Francisco Superior Court, Case No. CGC-09-485723; entitled Department of Fair Employment and Housing (Zimmerman) v. City and County of San Francisco. (City Attorney)

PASSED, ON FIRST READING

100911 [Settlement of Lawsuit - Michael Lew - $90,000]
Ordinance authorizing settlement of the lawsuit filed by Michael Lew against the City and County of San Francisco for $90,000, including re-employment and restoration of vacation and sick leave; the lawsuit was filed on May 11, 2009, in San Francisco Superior Court, Case No. CGC-09-488262; entitled Michael Lew v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

100959 [Settlement of Lawsuit - Carlos Garcia - $2,400,000]
Ordinance authorizing settlement of the lawsuit filed by Carlos Garcia against the City and County of San Francisco for $2,400,000; the lawsuit was filed on December 5, 2005, in San Francisco Superior Court, Case No. CGC-05-447342; entitled Carlos Garcia, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

100912 [Settlement of Lawsuit - Robin Leiter Cohen - $31,000]
Resolution approving the settlement of the unlitigated claim filed by Robin Leiter Cohen against the City and County of San Francisco for $31,000; claim was filed on September 4, 2009. (City Attorney)

ADOPTED

100985 [Settlement of Anticipated Litigation - Bonneville Non-Exclusive Easement]
Resolution authorizing settlement of anticipated litigation to be filed by Bonneville International Corporation against the City and County of San Francisco for a non-exclusive easement on Bayview Hill for access to the radio tower owned by Bonneville. (City Attorney)

ADOPTED

101003 [Settlement of Grievance - Bruce Dunlap - $57,500]
Resolution authorizing the settlement of the grievances (ERD No. 45-09-1973 and ERD No. 45-09-1964) filed by International Federation of Professional and Technical Engineers, Local 21 (Union) on behalf of Grievant, Bruce Dunlap, against the City and County of San Francisco for $57,500. (City Attorney)

ADOPTED

101133 [Appointments, Assessment Appeals Board No. 1 - Jeffrey Morris and Gregory Blaine]
Motion appointing Jeffrey Morris and Gregory Blaine, terms ending September 2, 2013, to the Assessment Appeals Board No. 1. (Clerk of the Board)
Jeffrey Morris, seat 1, succeeding himself, term expired, for a three-year term ending September 2, 2013. Must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraisers; or he or she is a current member of an assessment appeals board. *Pursuant to Section 1623 the three year term will end on the first Monday in September.
Gregory Blaine, seat 4, succeeding himself, term expired, for a three-year term ending September 2, 2013. Must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraisers; or he or she is a current member of an assessment appeals board. *Pursuant to Section 1623 the three year term will end on the first Monday in September.

APPROVED

101134 [Appointments, Assessment Appeals Board No. 2 - Margaret Ruxton and Alfredo Perez]

Motion appointing Margaret Ruxton and Alfredo Perez, terms ending September 2, 2013, to the Assessment Appeals Board No. 2. (Clerk of the Board)

Margaret Ruxton, seat 2, succeeding herself, term expired, for a three-year term ending September 2, 2013. Must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraisers; or he or she is a current member of an assessment appeals board. *Pursuant to Section 1623 the three year term will end on the first Monday in September.

Alfredo Perez, seat 4, succeeding himself, term expired, for a three-year term ending September 2, 2013. Must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraiser; or he or she is a current member of an assessment appeals board. *Pursuant to Section 1623 the three year term will end on the first Monday in September.

APPROVED

101146 [Appointment, Commission on the Aging Advisory Council - Ken Prag]

Motion appointing Ken Prag, term ending March 31, 2012, to the Commission on the Aging Advisory Council. (Clerk of the Board)

Ken Prag, succeeding himself, term expired, must be a nominee of District 8 Supervisor, for the unexpired portion of a two-year term ending March 31, 2012.

APPROVED

101231 [Settlement of Lawsuit - Galliera, Inc. dba Trico Construction - $700,000]

Ordinance authorizing settlement of the lawsuit filed by Galliera, Inc. dba Trico Construction against the City and County of San Francisco for $700,000; the lawsuit was filed on December 29, 2008, in San Francisco Superior Court, Case No. CGC-08-483555, entitled Galliera, Inc. dba Trico Construction v. City and County of San Francisco, et al.; other material terms of the settlement are: (1) the settlement includes the consolidated action Cal Centurian Construction, Inc. dba RWR Construction v. Galliera, Inc. dba Trico Construction, et al., San Francisco Superior Court, Case No. CGC-09-485849, (2) the settlement includes all cross-complaints, (3) mutual releases except for warranties, guarantees, latent defects, and personal injury, (4) dismissal of all complaints and cross-complaints with prejudice, and (5) each party to bear its own attorneys fees and costs. (City Attorney)

PASSED, ON FIRST READING

101232 [Settlement of Lawsuit - Jeri D. Sessler - $75,000]

Ordinance authorizing settlement of the lawsuit filed by Jeri D. Sessler against the City and County of San Francisco for $75,000; the lawsuit was filed on June 3, 2009, in San Francisco Superior Court, Case No. CGC-09-488998; entitled Jeri D. Sessler, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

101222 [Settlement of Unlitigated Claim - Lily Martene Baxter - $45,000]
Resolution approving the settlement of the unlitigated claim filed by Lily Martene Baxter against the City and County of San Francisco for $45,000; claim was filed on February 10, 2010. (City Attorney)

ADOPTED

101223 [Settlement of Unlitigated Claim - Adam Feibelman - $55,000]
Resolution approving the settlement of the unlitigated claim filed by Adam Feibelman against the City and County of San Francisco for $55,000; claim was filed on February 10, 2010. (City Attorney)

ADOPTED

101224 [Settlement of Unlitigated Claim - McLarens Young International - $70,000]
Resolution approving the settlement of the unlitigated claim filed by McLarens Young International against the City and County of San Francisco for $70,000; claim was filed on May 25, 2010. (City Attorney)

ADOPTED

101233 [Settlement of Unlitigated Claim - Danielle J. Rinsler - $215,000]
Resolution approving the settlement of the unlitigated claim filed by Danielle J. Rinsler against the City and County of San Francisco for $215,000; Government Code Claim was filed on November 24, 2009, (Govt. Claim No. 10-01422) and California Department of Fair Employment & Housing charge was filed on January 11, 2010, (Charge No. E200910A0351-rsc). (City Attorney)

ADOPTED

101243 [Appointments, Treasure Island Development Authority Citizen Advisory Board - James Heid and Scott Vedro]

Motion appointing James Heid and Scott Vedro, for indefinite terms, to the Treasure Island Development Authority Citizen Advisory Board. (Clerk of the Board)

James Heid, seat 2, succeeding Stephen Mattoon, resigned, must meet any of the following: land use and urban planning and architecture; transportation planning and alternative and mass transit; historic conservation and preservation; engineering and construction; real estate development and financing; economic development and job generation and organized labor; first-source hiring, welfare-to-work and other job broker programs; affordable and low-income housing; marine related activities; natural resource preservation and conservation; environmental and toxic remediation and control; tideland trust and public access; open-meeting laws; recreational and athletic opportunities and programs; representative of public safety officers on Treasure Island; representative of Treasure Island Homeless Development Initiative; representative of Job Corps; representative of Treasure Island Elementary School; representative of film production industry; and representative of residential tenants on Treasure Island, for a term indefinite.

Scott Vedro, seat 11, succeeding Elizabeth Strahlstrom, resigned, must meet any of the following qualification: land use and urban planning and architecture; transportation planning and alternative and mass transit; historic conservation and preservation; engineering and construction; real estate development and financing; economic development and job generation and organized labor; first-source hiring, welfare-to-work and other job broker programs; affordable and low-income housing; marine related activities; natural resource preservation and conservation; environmental and toxic remediation and control; tideland trust and public access; open-meeting laws; recreational and athletic opportunities and programs; representative of public safety officers on Treasure Island; representative of Treasure Island Homeless Development Initiative; representative of Job Corps; representative of Treasure Island Elementary School; representative of film production industry; or representative of residential tenants on Treasure Island, for a term indefinite.

APPROVED

101264 [Appointments, San Francisco Health Authority - Randall Low and Maria Luz Torre]

Motion appointing Randall Low, term ending January 15, 2012, and Maria Luz Torre, term ending January 15, 2013, to the San Francisco Health Authority. (Clerk of the Board)

Randall Low, seat 7, succeeding himself, term expired, must be physician, and nominee of SF Medical Society, or any successor organization, for the unexpired portion of a three-year term ending January 15, 2012.

Maria Luz Torre, seat 10, succeeding herself, term expired, must be a nominee of the Health Authority Beneficiary Advisory Committee who shall at the time of appointment and during the person's term be a Medi-Cal beneficiary, for the unexpired portion of a three-year term ending January 15, 2013.

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the Consent Agenda

Supervisor Daly requested that File No. 100188 be severed so that it may be considered separately.

Supervisor Daly Excused from Voting

Supervisor Mirkarimi, seconded by Supervisor Dufty, previously moved that Supervisor Daly be excused from voting on File No. 100188 at the Regular Meeting of October 5, 2010. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Daly

Recommendation of the Land Use and Economic Development Committee

100188 [Zoning - 1800 Market Street Community Center Project Special Use District]
Sponsors: Dufty; Mirkarimi

Ordinance amending the San Francisco Planning Code by adding Section 787 to establish the 1800 Market Street Community Center Project Special Use District for property located at 1800 Market Street (Lot No. 014, Assessor's Block No. 871), located at the northwest corner of Market Street and Octavia Boulevard; amending Sheet No. SU07 of the Zoning Map of the City and County of San Francisco to reflect this new Special Use District; and adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Daly

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

101103 [Appropriating $2,188,777 of General Fund Reserve for Indigent Defense Expenses in the Superior Court for FY2009-2010]
Sponsor: Mayor
Ordinance appropriating $2,188,777 of General Fund Reserve to fund indigent defense expenses associated with increased felony caseloads in the Superior Court for FY2009-2010, requiring a two-thirds affirmative vote of all members of the Board of Supervisors per San Francisco Charter Section 9.113.
(Fiscal Impact.)

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the City Operations and Neighborhood Services Committee

101178 [Honoring Local Restaurants During Restaurant Appreciation Month]
Sponsors: Alioto-Pier; Mar and Campos
Ordinance amending the San Francisco Health Code by adding Section 456.7 requiring the San Francisco Health Department to declare one month out of the year "Restaurant Appreciation Month" to honor certain local restaurants and to create an application and selection process to identify qualifying restaurants.

Supervisor Campos requested to be added as a co-sponsor.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Rules Committee

100472 [Access Appeals Commission - Notice to the Mayor's Office of Disability]
Sponsor: Alioto-Pier
Ordinance amending the San Francisco Building Code by adding Section 105A.3.10 to require that an agenda and packet of materials for each matter to be decided by the Access Appeals Commission shall be sent to the Mayor's Office of Disability at the same time and in the same manner as they are sent to the Commission members.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

NEW BUSINESS

Recommendations of the Budget and Finance Committee

101104 [Public Employment - Department of the Environment]
Sponsor: Mayor
Ordinance amending Ordinance No. 191-10 (Annual Salary Ordinance FY2010-2011) to reflect the addition of two positions: one (1) Class 5640 Environmental Specialist, one (1) Class 5644 Environmental Manager in the Department of the Environment.
(Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101154 [Accept and Expend Grant - Office of the Public Defender - Rosenberg Foundation and Amendment to the Annual Salary Ordinance FY2010-2011 - $47,000]
Sponsor: Mirkarimi
Ordinance authorizing the Office of the Public Defender to accept and expend a grant in the amount of $47,000 from the Rosenberg Foundation, via Institute for Local Governance, to develop a California Reentry Council Network to assist in the development of statewide capacity to improve reentry policies and programs, and amending Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect addition of one (1) temporary Class 8173 Legal Assistant, grant-funded position (0.55 FTE), in the Office of the Public Defender.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101159 [Taxable and/or Tax Exempt Certificates of Participation for Various Capital Improvements - Not to Exceed $48,000,000]

Sponsor: Mayor

Ordinance authorizing the execution and delivery of Certificates of Participation in an aggregate principal amount not to exceed $48,000,000 to finance the acquisition, construction, improvement and installation of certain street improvements and of various disability access improvement projects; approving the form of a Second Supplement to Trust Agreement between the City and County of San Francisco and the Trustee named therein (including certain indemnities contained therein); approving the form of a Second Supplement to Property Lease between the City, as lessor, and the Trustee, as lessee; approving the form of a Second Supplement to Project Lease between the Trustee, as lessor, and the City, as lessee; approving the form of an Official Notice of Sale and Notice of Intention to Sell for the Certificates of Participation, if sold by competitive sale; authorizing certain actions relating to the Certificates of Participation, if sold by negotiated sale; delegating to the Director of Public Finance the authority to sell the Certificates of Participation by either a competitive or negotiated sale; approving the form of a Purchase Contract between the City and the underwriter(s) selected in accordance herewith, if the Certificates of Participation are sold by negotiated sale; approving the form of an official statement in preliminary and final form; approving the form of a Continuing Disclosure Certificate; granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of the Certificates of Participation; approving modifications to documents; and ratifying previous actions taken in connection therewith.
(Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101158 [Taxable and/or Tax Exempt Certificates of Participation (HOPE SF) - Not to Exceed $38,000,000]

Sponsor: Mayor

Ordinance authorizing the execution and delivery of Taxable and/or Tax Exempt Certificates of Participation (HOPE SF) in an aggregate principal amount not to exceed $38,000,000 to finance certain capital improvement projects; approving the form of a Trust Agreement between the City and County of San Francisco and the trustee (including certain indemnities contained therein); granting authorization for the selection of a trustee; approving the form of a Property Lease between the City and the Trustee named therein relating to certain property generally known as the Mission Police Station, certain property generally known as the Bayview Station of the San Francisco Police Department and certain other City-owned property; approving the form of a Project Lease between the City and the Trustee (including certain indemnities contained therein); delegating to the Director of Public Finance the authority to sell the Certificates of Participation by either a competitive or negotiated sale; approving the form of an Official Notice of Sale and a Notice of Intention to Sell the Taxable and/or Tax Exempt Certificates of Participation (HOPE SF), if sold by competitive sale; authorizing certain actions relating to the Taxable and/or Tax Exempt Certificates of Participation (HOPE SF), if sold by negotiated sale including approving the form of a Purchase Contract between the City and an underwriter named therein; approving the form of an Official Statement in preliminary form; approving the form of a Continuing Disclosure Certificate; granting general authority to City officials to take necessary actions in connection with the authorization, sale, execution and delivery of the Taxable and/or Tax Exempt Certificates of Participation (HOPE SF); approving modifications to documents; and ratifying previous actions taken in connection therewith.
(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

101192 [Appropriating $38,000,000 of Certificate of Participation Proceeds for the HOPE SF Development Project in the Mayor's Office of Housing for FY2010-2011]
Sponsors: Mayor; Maxwell
Ordinance appropriating $38,000,000 of Certificate of Participation Series 2011B proceeds to fund the HOPE SF Development Project sponsored by Hunters View Associates in the Mayor's Office of Housing for FY2010-2011 and placing these funds on Controller's reserve pending issuance of the COPs or associated commercial paper used for cash flow purposes in FY2010-2011. (Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

100692 [Lease of Port Real Property - Pier 26 Annex]
Resolution approving Port Commission Lease No. L-14796 with IDEO, LLC for office space located at Pier 26 Annex within the Southern Waterfront with a sixty month term and a sixty month option. (Port)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100984 [Public Utilities Commission - Memorandum of Agreement with the National Park Service - Not to Exceed $27,486,504]
Resolution approving the Memorandum of Agreement with the National Park Service for the Comprehensive Management of Yosemite National Park Watersheds that supply water to the San Francisco Regional Water System pursuant to Charter Section 9.118. (Public Utilities Commission) (Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101150 [Real Estate Department - Agreement to Exchange Easements in Connection with the Bay Division Pipeline Reliability Upgrade Project - Bay Tunnel]
Resolution approving and authorizing an Agreement to Exchange Interests in Real Property to obtain an exclusive, subsurface easement from the Midpeninsula Regional Open Space District in exchange for a non-exclusive open space easement over real property owned by the City and County of San Francisco, for the purpose of constructing the San Francisco Public Utilities Commission Water System Improvement Program-Funded Project CUW36801, Bay Division Pipeline Reliability Upgrade - Bay Tunnel; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; adopting findings of consistency with City Planning Code Section 101.1; and authorizing the General Manager of SFPUC to execute documents, make certain modifications, and take certain actions in furtherance of this resolution. (Real Estate Department)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101166 [Amendment to Fire Department Cooperative Agreement with the Navy]
Sponsor: Mayor
Resolution authorizing the San Francisco Fire Department to amend the Cooperative Agreement with the United States Navy to set the reimbursement rate for fire and emergency medical services to portions of the Hunters Point Shipyard for the period October 1, 2010, through September 30, 2011, and to accept and expend funds from the Navy as reimbursement for services under that Agreement.
(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101167 [Accept and Expend Grant - Mayor's Office of Housing - Infill Infrastructure Program - $30,000,000]
Sponsor: Mayor
Resolution authorizing the Mayor's Office of Housing to enter into a standard agreement with the California State Department of Housing and Community Development to accept and expend $30,000,000 of Infill Infrastructure Grant Program funds; the execution of a loan agreement with the Project Sponsor for disbursement of grant funds; and the execution of any related documents necessary to participate in the Infill Infrastructure Grant Program.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

From the Budget and Finance Committee Without Recommendation

101201 [Petitions for City Parcels to Form the Proposed Civic Center Community Benefit District]
Sponsor: Mayor
Resolution authorizing the Mayor to cast petitions in the affirmative for formation of the proposed Civic Center Community Benefit District, to sign on behalf of the City and County of San Francisco as the owner of certain parcels of real property that would be subject to assessment in the proposed property and business improvement district to be named the Civic Center Community Benefit District.

Privilege of the floor was granted to Rich Hillis (Mayor's Office of Economic and Workforce Development) who responded to questions raised throughout the discussion regarding File No. 101201.

Supervisor Avalos, seconded by Supervisor Daly, moved that this Resolution be RE-REFERRED to the Budget and Finance Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

100881 [Zoning Map Amendment - 1717-17th Street to Conform with Lot Line Adjustment]
Sponsor: Maxwell

Ordinance amending the San Francisco Zoning Map by amending the lot reference applicable to 1717-17th Street, and an adjacent property, referred to as 495 DeHaro Street, so that the height district applicable to each lot in its entirety is 48-X and 45-X, respectively, in conformance with a lot line adjustment between the subject properties; and making various findings, including environmental findings, and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100917 [Planning Code - Area Plan Impact Fee and Jobs-Housing Linkage Program]
Sponsors: Avalos; Mar

Ordinance amending the San Francisco Planning Code sections related to Area Plan Impact Fees (Rincon Hill, Market and Octavia, Eastern Neighborhoods, and Balboa Park) and Jobs-Housing Linkage Fee to (1) improve Planning Code readability and ease of application with regard to impact fees; (2) create consistent definitions and application across the Area Plan Impact Fee and Jobs-Housing Linkage Fee provisions; (3) better recognize and account for the impact of existing conditions of development sites affected by the Area Plan Impact Fees and the Jobs-Housing Linkage Fee; (4) promote adaptive re-use of existing buildings in the Eastern Neighborhoods; and (5) clarify the impact fees associated with the Eastern Neighborhoods' on-going "legitimization" program; and adopting findings, including Section 302, environmental findings, and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Department)

Supervisor Avalos requested to be added as sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101096 [Health Code - Setting Nutritional Standards for Restaurant Food Sold Accompanied by Toys or Other Youth Focused Incentive Items]
Sponsors: Mar; Campos, Chiu and Avalos

Ordinance amending Article 8 of the San Francisco Health Code by adding Sections 471.1 through 471.8, to set nutritional standards for restaurant food sold accompanied by toys or other youth focused incentive items.

Supervisor Mar, seconded by Supervisor Campos, moved that this Ordinance be CONTINUED ON FIRST READING to November 2, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101200 [Planning Code - Preservation, Rehabilitation and Maintenance of Preservation Lots; Zoning Map and General Plan Map Amendments - 680 California Street (Old St. Mary's Cathedral)]

Sponsors: Chiu, Maxwell and Mar

Ordinance amending Section 128 of the San Francisco Planning Code to require approval of a plan for preservation, rehabilitation, and maintenance of a Preservation Lot property prior to receipt of a Statement of Eligibility for Transferable Development Rights (TDR), to establish reporting procedures regarding the preservation, rehabilitation, and maintenance, and to allow the sale of TDR from an individually landmarked building to any lot in a C-3 zoned district except Redevelopment Areas; amending the San Francisco Zoning Map by amending Zoning Use District Map ZN01 to change the use classification of 680 California Street (Old St. Mary's Cathedral), Block No. 0241, Lot Nos. 011 and 012, from Chinatown Visitor Retail District to C-3-0 District and making conforming amendments to the Chinatown and Downtown Area Plans of the San Francisco General Plan; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Public Safety Committee

100963 [Healthy Nail Salon Recognition Program]

Sponsors: Chiu; Maxwell, Alioto-Pier, Chu, Mirkarimi, Mar and Campos

Ordinance amending the San Francisco Administrative Code by adding Chapter 27, Sections 27.1 through 27.6, to create a program to recognize nail salons that use nail polishes free of the toxic chemicals toluene, dibutyl phthalate, and formaldehyde.

Supervisors Mar and Campos requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Rules Committee

101008 [Centralized and Publicly Accessible Online Database of Appointments to Advisory Bodies]

Sponsors: Chiu; Chu, Alioto-Pier and Mar

Ordinance amending the San Francisco Administrative Code by adding Sections 1.57-1 through 1.57-5, to provide for the establishment and maintenance of a centralized and publicly accessible online database of information concerning appointments made by Appointing Authorities to City and County of San Francisco advisory bodies.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100995 [Appointment, City Hall Preservation Advisory Commission - Maureen "Pat" Kelley]

Resolution confirming the appointment of Maureen "Pat" Kelley to the City Hall Preservation Advisory Commission. (Mayor)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100778 [Reappointment, Public Utilities Commission - Anson Moran]

Motion confirming the Mayor's reappointment of Anson Moran to the Public Utilities Commission, Seat 4, term ending August 1, 2014.
(Charter Section 4.112(a) provides that the Board of Supervisors shall confirm appointment by a majority (six votes) of the Board of Supervisors; companion measure to File 100779. Transmittal date - August 9, 2010.) (Clerk of the Board)

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100905 [Appointment, San Francisco Redevelopment Agency - Rosario Anaya]

Sponsor: Mayor

Motion confirming the Mayor's appointment of Rosario Anaya to the San Francisco Redevelopment Agency for the unexpired portion of a four-year term ending September 3, 2011.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mar Excused from Voting

Supervisor Avalos, seconded by Supervisor Maxwell, moved that Supervisor Mar be excused from voting on File No. 101261. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi
Excused: 1 - Mar

101261 [Appointment, Association of Bay Area Governments Executive Board - Supervisor Eric Mar]

Motion appointing Supervisor Eric Mar, term ending June 30, 2012, to the Association of Bay Area Governments Executive Board. (Clerk of the Board)

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi
Excused: 1 - Mar

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Mar, seconded by Supervisor Maxwell, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to De'Anthony Jones of the Environmental Services Learning Initiative in recognition of his accomplishments and continued community support. Supervisor Mirkarimi shared in the recognition.

Supervisor Maxwell introduced, welcomed, and presented a Certificate of Honor to Brian Gray of the 826 Valencia Program in recognition of his accomplishments and continued community support.

SPECIAL ORDER 4:00 P.M.

101041 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 10 Bernal Heights Boulevard]

Hearing of persons interested in or objecting to the decision of the Planning Commission's July 1, 2010, Determination of Exemption from Environmental Review identified as Planning Case No. 2010.0306C, by its Motion No. 18131, which included the exemption determination, that a project located at 10 Bernal Heights Boulevard is exempt from environmental review under California Environmental Quality Act (CEQA) Guidelines Sections 15301 Class (1), 15303 (Class 3), and 15311 (Class 11), to install a wireless telecommunications facility consisting of five internet exchange switch antennas on an existing 50-foot tall communications tower at the top of the hill in Bernal Heights Park within an RH-1(D) (Residential, House, Single-Family, Detached) Zoning District and a 40-X Height and Bulk District, on property located at 10 Bernal Heights Boulevard, Lot No. 003, in Assessor's Block No. 5548. (District 9) (Appellant: Erick Arguello on behalf of the Lower 24th Street Merchant Association.)
(Filed August 2, 2010; Companion Measure to File Nos. 101042, 101043, 101044.)

The President inquired as to whether any member of the public wished to address the Board relating to the proposed continuance to November 16, 2010. There were no speakers. The President continued the public hearing open to November 16, 2010.

Supervisor Campos, seconded by Supervisor Maxwell, moved that this Hearing be CONTINUED to November 16, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101042 [Affirming the Exemption Determination for 10 Bernal Heights Boulevard]

Motion affirming the determination by the Planning Commission that the project located at 10 Bernal Heights Boulevard is exempt from environmental review. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED to November 16, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101043 [Reversing the Exemption Determination Issued for 10 Bernal Heights Boulevard]
Motion reversing the determination by the Planning Commission that the 10 Bernal Heights Boulevard project is exempt from environmental review. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED to November 16, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101044 [Preparation of Findings to Reverse the Exemption Determination for the 10 Bernal Heights Boulevard Project]
Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Commission that the project located at 10 Bernal Heights Boulevard is exempt from environmental review. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED to November 16, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 4:00 P.M.

101045 [Public Hearing - Conditional Use Appeal for 10 Bernal Heights Boulevard]
Hearing of persons interested in or objecting to the decision of the Planning Commission's July 1, 2010, Conditional Use Permit identified as Planning Case No. 2010.0306C, by its Motion No. 18131, under Planning Code Sections 209.6(b) and 303, to install a wireless telecommunications facility consisting of five internet exchange switch antennas on an existing 50-foot tall communications tower at the top of the hill in Bernal Heights Park and to modify the Conditional Use approval under Case No. 2008.1157C to change the number of allowed antennas on the site within the RH-1(D) (Residential, House, Single-Family, Detached) Zoning District, and a 40-X Height and Bulk District, on property located at 10 Bernal Heights Boulevard, Lot No. 003, in Assessor's Block No. 5548. (District 9) (Filed by Erick Arguello on behalf of the Lower 24th Street Merchant Association, and subscribed by Supervisors Campos, Mar, Chiu, Chu, Mirkarimi, and Avalos.)
(Filed August 2, 2010; Companion Measure to File Nos. 101046, 101047, 101048.)

The President inquired as to whether any member of the public wished to address the Board relating to the proposed continuance to November 16, 2010. There were no speakers. The President continued the public hearing open to November 16, 2010.

Supervisor Campos, seconded by Supervisor Maxwell, moved that this Hearing be CONTINUED to November 16, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101046 [Approving Planning Commission Decision Related to Conditional Use Appeal for 10 Bernal Heights Boulevard]
Motion approving the decision of the Planning Commission, by its Motion No. 18131, approving Conditional Use Application No. 2010.0306C on property located at 10 Bernal Heights Boulevard, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED to November 16, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101047 [Disapproving Planning Commission Decision Related to Conditional Use Appeal for 10 Bernal Heights Boulevard]

Motion disapproving the decision of the Planning Commission, by its Motion No. 18131, approving Conditional Use Application 2010.0306C on property located at 10 Bernal Heights Boulevard, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED to November 16, 2010. The motion carried by the following vote:

101048 [Preparation of Findings Related to the Conditional Use Appeal for 10 Bernal Heights Boulevard]

Motion directing the Clerk of the Board to prepare findings relating to the proposed Conditional Use Application No. 2010.0306C on property located at 10 Bernal Heights Boulevard. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED to November 16, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMITTEE REPORTS

Recommendations of the Land Use and Economic Development Committee

101115 [Directing the Director of the Office of Economic and Workforce Development to Prepare an Infrastructure Financing Plan]

Sponsor: Mayor

Resolution authorizing and directing the Director of the Office of Economic and Workforce Development to prepare a report for Infrastructure Financing District No. 1 (Rincon Hill Area) and determining other matters related thereto.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101116 [Resolution of Intention to Establish an Infrastructure Financing District]

Sponsor: Mayor

Resolution of Intention to establish an Infrastructure Financing District No. 1 (Rincon Hill Area) to finance the construction and/or acquisition of capital improvements in the Rincon Hill area; to schedule a public hearing on January 25, 2011 at 3:00 p.m. on the formation of the district and to provide public notice thereof and other matters related thereto.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Ace Washington; expressed various concerns.
Denise Dorey; expressed support for the Axis of Love Program.
Shona Gochenaur; expressed support for the Axis of Love Program.
Carey Stohl; expressed support for the Axis of Love Program.
Gregory Ledbetter; expressed support for the Axis of Love Program.
Dr. Ahimsa Porter Sumchai; expressed concerns relating to childhood obesity.
Walter Paulson; shared in song certain concerns with the Board.
John Martinelli; expressed support for the Axis of Love Program.
Denise Minter; expressed support for the Axis of Love Program.
Michael Lamis; expressed support for the Axis of Love Program.
Male Speaker; expressed support for the Axis of Love Program.
Hector; expressed support for the Axis of Love Program.
Vince Turner; expressed support for the Axis of Love Program.
Catherine Smith; expressed support for the Axis of Love Program.
Michael Goldman; expressed support for the Axis of Love Program.
John DiDonna; shared in poem certain concerns with the Board.
Alise; expressed support for the Axis of Love Program.
Carmen; expressed support for the Axis of Love Program.
Lisa; expressed support for the Axis of Love Program.
Trevor White; expressed support for the Axis of Love Program.
Naksul; expressed support for the Axis of Love Program.
Erland; expressed support for the Axis of Love Program.
Gwendlyn Reese Callow; expressed support for the Axis of Love Program.
Evan Cross; expressed support for the Axis of Love Program.
Male Speaker; expressed various concerns.
Yvette Hernandez; expressed support for the Axis of Love Program.
Teresa Cooper; expressed support for the Axis of Love Program.
Cathleen Bosner; expressed support for the Axis of Love Program.
Flint Rodgers; expressed support for the Axis of Love Program.
Linda Ramos; expressed support for the Axis of Love Program.
Frank Hogan; expressed support for the Axis of Love Program.
Tony; expressed support for the Axis of Love Program.
Catherine Valdez; expressed support for the Axis of Love Program.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

Supervisor Alioto-Pier was noted absent at 3:22 p.m. and noted present at 3:49 p.m.
Supervisor Daly was noted absent at 3:22 p.m. and noted present at 3:54 p.m.

101273 [Accept and Expend Grant - Department of Public Library - Staff Education Program - $10,512]
Sponsor: Chu
Resolution authorizing the Department of Public Library to accept and expend a grant in the amount of $10,512 from the California State Library as part of the Federal Library Services and Technology Act for reimbursing tuition expenses of library employees pursuing a degree or certificate in library science at an institution of higher education.
ADOPTED

101274 [Accept and Expend Grant - Arts Commission - Koret Foundation for ArtCare Program - $15,000]
Sponsor: Dufty
Resolution authorizing the San Francisco Arts Commission to retroactively accept and expend a grant in the amount of $15,000 from the Koret Foundation for general operating support of the ArtCare program.
ADOPTED

101276 [Preventing Bullying and Suicide of Lesbian, Gay, Bisexual, Transgender and Questioning (LGBTQ) Youth]
Sponsors: Campos; Dufty, Alioto-Pier, Mar and Avalos
Resolution affirming the importance of maintaining a safety net for LGBTQ youth, and encouraging schools, colleges, and universities to prevent bullying and raise awareness about LGBTQ suicide prevention services.
Supervisors Mar and Avalos requested to be added as a co-sponsors.
ADOPTED

101278 [Proclaiming November 5, 2010, as Angels in America Day]
Sponsors: Dufty; Campos
Resolution proclaiming November 5, 2010, as Angels in America Day in San Francisco to recognize the tremendous worldwide impact Tony Kushner's play has had since it first premiered at San Francisco's Eureka Theater in 1991.
ADOPTED

101279 [Accept and Expend Grant - Arts Commission - Tulsa Community Foundation for ArtCare Program - $5,000]
Sponsor: Dufty
Resolution authorizing the San Francisco Arts Commission to retroactively accept and expend a grant in the amount of $5,000 from the Tulsa Community Foundation for general operating support of the ArtCare program.
ADOPTED

101280 [Supporting Greenhouse Gas Reduction Targets]
Sponsor: Mar
Resolution supporting the California Air Resources Board's leadership in developing and implementing strategies for meeting California's greenhouse gas reduction targets, and in promoting emission reductions from motor vehicles.
ADOPTED

101281 [Issuance and Sale of Revenue Bonds - 2235-3rd Street Apartments - Not to Exceed $60,000,000]
Sponsor: Maxwell
Resolution approving the issuance and sale of tax-exempt bonds by the Association of Bay Area Governments Finance Authority For Nonprofit Corporations in an aggregate principal amount not to exceed $60,000,000 for financing the acquisition, construction and rehabilitation of 2235-3rd Street Apartments, subject to the policies for such approvals adopted by the Board of Supervisors.
ADOPTED

101277 [Waiver Permitting City Employees to Assist the Department of Elections with the November 2, 2010, Consolidated General Election]
Sponsor: Chiu
Motion granting a waiver from the prohibition imposed by Charter Section 13.104.5, to permit City employees to assist the Department of Elections with the November 2, 2010, Consolidated General Election.
APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Elsbernd requested that File No. 101257 be severed so that it may be considered separately.

101257 [Condemning the September 24, 2010, FBI Raids]
Sponsors: Mar; Daly, Campos and Avalos
Resolution condemning the September 24, 2010, FBI raids on Trade Union, Anti-War, and Solidarity Activists.

Supervisor Avalos requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or Mayor

Ordinances

101308 [Health Code - Assisted Mental Health Pilot Project]
Sponsor: Alioto-Pier
Ordinance amending the San Francisco Health Code by adding Section 114.1 and Section 114.2 to require that the Health Department and Department of Aging and Adult Services adopt a pilot project to provide further care for mentally ill community members.

10/19/10; ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 11/18/2010.

101309 [Planning Code - Upper Fillmore Neighborhood Commercial District]
Sponsor: Alioto-Pier
Ordinance amending the San Francisco Planning Code by amending Section 718.1 and Sections 718.42, 718.44, and 718.69A of the Zoning Control Table to allow new full-service restaurants, small self-service restaurants, and self-service specialty food establishments with conditional use authorization and to amend Section 718.41 and add a specific provision for full-service restaurants to allow a bar in conjunction with a full-service restaurant with conditional use authorization; adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

10/19/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/18/2010.

101310 [Public Works Code - Regulation of Freestanding Newsracks and Fixed Pedestal Newsracks]
Sponsor: Alioto-Pier
Ordinance amending the San Francisco Public Works Code by amending Sections 184.2, 184.6, 184.8, and 184.12 thereof, relating to newsracks, to provide for: (1) the use of electronic mail for notices of violations; (2) removal of abandoned newsracks or newsracks maintained in violation of the Public Works Code within 7 calendar days of notice of violation sent by electronic mail; (3) imposition of administrative fines for violations resulting in newsrack seizures; (4) consolidation and/or reduction in size of fixed pedestal newsracks at under-used locations; (5) allocation of space in newsrack boxes on a first-come-first-served basis under certain circumstances; and (6) reduction of the fixed pedestal permit fee from $60 to $50.

10/19/10; ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 11/18/2010.

101311 [Administrative Code - San Francisco Local Hiring Policy for Construction]
Sponsor: Avalos
Ordinance amending the San Francico Administrative Code Chapter 6, Public Works Contracting Policies and Procedures, Subsection 6.22(G) to: 1) establish a local hiring policy for City public work or improvement projects requiring contractors and their subcontractors to perform certain percentages of project work hours using San Francisco residents and disadvantaged San Francisco residents; 2) making findings in support of the policy; 3) providing incentives for contractors and subcontractors who exceed local hiring requirements; 4) mandating assessment of liquidated damages against contractors and subcontractors who fail to meet minimum local hiring requirements; and 5) establishing monitoring, enforcement, and administrative procedures in support of the policy.
(Economic Impact.)

10/19/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/18/2010.

101312 [Administrative Code - Creating Police Department Modernization and Training Fund]
Sponsor: Chu
Ordinance amending the San Francisco Administrative Code by adding Section 10.100-171 to create the Police Department Modernization and Training Fund and to authorize the Police Department to accept gifts of cash, equipment, property, and services for specified purposes.

10/19/10; ASSIGNED UNDER 30 DAY RULE to Public Safety Committee, expires on 11/18/2010.

101313 [Zoning Map and Planning Code - Bayshore Boulevard Home Improvement Special Use District]

Sponsors: Maxwell; Campos and Dufty

Ordinance amending the San Francisco Planning Code by adding Section 249.65 to establish the Bayshore Boulevard Home Improvement Special Use District for the properties on lots fronting Bayshore Boulevard from Jerrold Avenue to the 1-280 Freeway, the west side of Loomis Street from Jerrold Avenue to the 1-280 Freeway, Oakdale Avenue from Loomis Street to Bayshore Boulevard, Marengo Street from Bayshore Boulevard to Waterloo Street and the west side of Boutwell Street from Industrial Street to the 1-280 Freeway, and also including some lots on Cortland Avenue; amending the Zoning Map of the City and County of San Francisco to rezone the designated blocks and lots from the current M-1 and P/M-1 zoning to PDR-2, P/PDR-2 and the Bayshore Boulevard Home Improvement Special Use District; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

10/19/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/18/2010.

101098 [Administrative Code - Electronic Distribution of Multi-Page Documents]

Sponsors: Mirkarimi; Chiu

Ordinance amending the San Francisco Administrative Code by amending Sections 1.56 and 8.12.4, adding Section 8.12.5, and re-numbering Section 8.12-1 as 8.13, to provide for the electronic distribution of documents more than 10 pages long prepared by City departments.

08/10/10; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 9/9/2010. 9/9/10 - Recommendation letter received from the Planning Department.
9/29/10 - Recommendation letter received from the Planning Department.

10/19/10; SUBSTITUTED AND ASSIGNED to Rules Committee.

100761 [Environment Code - Restrictions on Pesticide Use]

Sponsors: Mayor; Alioto-Pier

Ordinance amending the San Francisco Environment Code by amending Sections 300, 301, 302, 303, 304, 305, 306, and 308, adding Section 310, and repealing Section 307, all to strengthen restrictions on the use of pesticides on City property, and making environmental findings.

06/08/10; ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 7/8/2010.

06/15/10; REFERRED TO DEPARTMENT.

10/19/10; SUBSTITUTED AND ASSIGNED to City Operations and Neighborhood Services Committee.

Resolutions

101314 [Accept and Expend Grant - Environmental Assessment Heat Wave and Air Quality Project - $106,526]

Sponsor: Chu

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the Centers for Disease Control and Prevention in the amount of $106,526 to fund the Environmental Health Assessment of Vulnerability to Heat Wave and Air Quality Project for the period September 1, 2010, through August 30, 2011.

10/19/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

101315 [Accept and Expend Grant - 2010 County Coverage Expansion Planning Project - $225,000]
Sponsor: Dufty
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $225,000 from the Blue Shield of California Foundation to fund the 2010 County Coverage Expansion Planning Project for the period of September 1, 2010, through August 31, 2011.

10/19/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

101316 [Board Review and Approval of 2010 United States Department of Housing and Urban Development Continuum of Care Programs Application]
Sponsor: Mayor
Resolution approving the City and County of San Francisco 2010 Grant Application for the United States Department of Housing and Urban Development Continuum of Care Programs and fulfilling the San Francisco Board of Supervisors' review and approval process for all annual or otherwise recurring grants of $5,000,000 or more.

10/19/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101317 [Accept and Expend Grant - San Francisco Re-entry Center Program - $750,000]
Sponsor: Chiu
Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $750,000 through the United States Department of Justice, Bureau of Justice Assistance, for a program entitled "San Francisco Re-entry Center" for the grant period of October 1, 2010, through March 31, 2012.

10/19/10; RECEIVED AND ASSIGNED to Public Safety Committee.

101318 [Resolution of Intention to Form the Civic Center Community Benefit District]
Sponsor: Mayor
Resolution (1) declaring the intention of the Board of Supervisors to establish a property-based business improvement district (community benefit district) to be known as the "Civic Center Community Benefit District" and levy a multi-year assessment on identified parcels in the district; (2) approving the management district plan and engineer's report and proposed boundaries map for the district; (3) ordering and setting a time and place for a public hearing thereon; (4) approving the form of the Notice of Public Hearing and Assessment Ballots; (5) directing environmental findings; and (6) directing the Clerk of the Board of Supervisors to give notice of the public hearing and balloting, as required by law.

10/19/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101319 [Encourage a Goal of 20% of Trips by Bicycle by 2020]
Sponsors: Chiu; Dufty, Mirkarimi, Maxwell, Mar and Campos
Resolution encouraging departments and agencies of the City and County of San Francisco to adopt a goal of 20% of trips by bicycle by 2020.

10/19/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101320 [Parkside Branch Library Reopening]
Sponsors: Chu; Campos
Resolution recognizing the Grand Reopening of the Parkside Branch Library and commending the San Francisco Public Library and its team for their hard work and commitment to San Francisco and its residents.

10/19/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101321 [Issuance and Sale of Revenue Bonds - Crescent Manor - 467 Turk Street]
Sponsor: Daly
Resolution approving the issuance and sale of tax-exempt bonds by the California Statewide Communities Development Authority in an aggregate principle amount not to exceed $11,000,000 for financing the acquisition, construction, and rehabilitation of Crescent Manor - 467 Turk Street, subject to the policies for such approvals adopted by the Board of Supervisors.

10/19/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101322 [Accept and Expend Grant - PSI/Myanmar Collaborative Impact Study Planning - $7,993]
Sponsor: Dufty
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $7,993 from the University of California San Francisco (UCSF), to participate in a program entitled "PSI/Myanmar Collaborative Impact Study Planning" for the period of May 1, 2010, through June 29, 2010.

10/19/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101323 [Accept and Expend Grant - Tanzania Support President's Emergency AIDS Plan - $27,062]
Sponsor: Dufty
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $27,062 from the University of California San Francisco (UCSF), to participate in a program entitled "Tanzania UCSF Technical Assistance to Support the President's Emergency Plan for AIDS" for the period of April 1, 2010, through September 29, 2010.

10/19/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101328 [Urging the Governor of California to Reinstate Stage 3 Child Care Funding]
Sponsors: Mar; Chiu, Campos and Dufty
Resolution urging the Governor of California to reinstate Stage 3 child care funding of $256,000,000 to protect 1,214 children in San Francisco and 81,000 children in California and to save thousands of jobs and urge the First 5 Commission to provide bridge funding until December 2010.

10/19/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

101324 [Ongoing Budget Updates]
Sponsor: Avalos
Hearing to consider various updates and presentations regarding the City budget.
10/19/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101325 [San Francisco Local Hiring Policy for Construction]
Sponsor: Avalos
Informational hearing on the San Francisco Local Hiring Policy for construction and related matters.
10/19/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101326 [Tax Increment Financing Inquiry]
Sponsor: Chu
Hearing requesting for the Office of Economic and Workforce Development and Controller's Office to provide: 1) a summary of existing use of tax increment financing in San Francisco; 2) the dollar value of these increments; and 3) an accounting of uses for tax increment funds.
10/19/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101327 [Alemany Farmers' Market Performance Audit]
Sponsor: Maxwell
Hearing on the findings and recommendations of the Performance Audit of the Alemany Farmers' Market, conducted by the Budget and Legislative Analyst Office.
10/19/10; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

PROPOSED ORDINANCES

101288 [Settlement of Lawsuit - Cheryl Austin - $268,452]
Ordinance authorizing settlement of the lawsuit filed by Cheryl Austin against the City and County of San Francisco for $268,452, inclusive of attorneys' fees and costs; the lawsuit was filed on March 25, 2010, in San Francisco Superior Court, Case No. CGC 10-498110; entitled Cheryl Austin v. City and County of San Francisco. (City Attorney)
10/06/10; RECEIVED AND ASSIGNED to Rules Committee.

101289 [Settlement of Lawsuit - Nyree Monroe - Up to $31,000]
Ordinance authorizing settlement of the lawsuit filed by Nyree Monroe against the City and County of San Francisco for up to $31,000; the lawsuit was filed on March 25, 2010, in San Francisco Superior Court, Case No. CGC 10-498109; entitled Nyree Monroe v. City and County of San Francisco; other material terms of said settlement are reinstatement. (City Attorney)
10/06/10; RECEIVED AND ASSIGNED to Rules Committee.

101290 [Settlement of Lawsuit - Edward Kriete - $575,000]
Ordinance authorizing settlement of the lawsuit filed by Edward Kriete against the City and County of San Francisco for $575,000; the lawsuit was filed on April 17, 2009, in the San Francisco Superior Court, Case No. CGC 09-487483; entitled Edward Kriete v. City and County of San Francisco. (City Attorney)
10/06/10; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

101291 [Endorsement of Term Sheet - Port Commission - Seawall Lot 351/8 Washington Project at Washington/The Embarcadero]

Resolution endorsing the proposed Seawall Lot 351/8 Washington Project at Washington/The Embarcadero Term Sheet between San Francisco Waterfront Partners II, LLC, and the San Francisco Port Commission. (Port)

10/06/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101294 [Professional Services Agreement - FSP PPM Management, LLC - Curbside Management Program - Not to Exceed $10,450,000]

Resolution approving the Professional Services Agreement, Airport Contract 8994 - to Manage and Staff the Curbside Management Program between FSP PPM Management, LLC, and the City and County of San Francisco, acting by and through its Airport Commission, in an amount not to exceed $26,000,000, pursuant to San Francisco Charter Section 9.118(b). (Airport Commission)

10/07/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101298 [Gift Acceptance - Two Automobiles from KKI Productions - $31,239.30]

Resolution authorizing the San Francisco Police Department to accept as gifts from KKI Productions a 2007 Honda Accord with mileage of 33,681 valued at $15,571.44 and a 2008 Toyota Corolla S-Type with mileage of 32,518 valued at $15,667.86. These automobiles will be placed into the general fleet of vehicles assigned to the San Francisco Police Department.

10/08/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

Requests Granted

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from newsstands at the following locations:

San Francisco Bay Guardian
Southeast corner of Fillmore and Post
Southwest corner of Divisadero and Sutter
9th Avenue and Judah (near bus stops)
7th Avenue and Irving (near bus stops)
Northwest corner of Hayes and Fillmore
Southeast corner of Fillmore and Haight

San Francisco Chronicle
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore
Irving and 9th Avenue
Irving and 7th Avenue
Southwest corner of Haight and Clayton
Southeast corner of Haight and Masonic

Examiner
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore

SF Daily
Northwest corner of Hayes and Gough

City Star
Northwest corner of Hayes and Gough
Southeast corner of Fillmore and Haight

SF Weekly
Southeast corner of Masonic and Haight
Southeast corner of Haight and Fillmore

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti at the following private property locations:

Hayes Valley Playground, Hayes & Buchanan on side of wall, Hayes street side
555 Linden Alley
545 Linden Alley
546 Haight
418 Haight
798 Haight, also on side of Scott Street
507 Divisadero
796 Haight
684 Haight
1668 Haight

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:

Garbage Can
Northeast corner of Page & Stanyan

Mailbox
Southeast corner of Oak and Fillmore

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations:

Metal Poles
In front of 443 Haight
In front of 242 Fillmore
In front of 448 Fillmore
Southwest corner of Ashbury & Haight
Southwest corner of Grove & Gough
Southwest corner of Hayes & Gough

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the public property located at the following locations:

Utility Boxes
Northeast corner of Laguna & Fulton
Southeast corner of Fell & Pierce

Bus Shelters
Northeast corner of Laguna & McAllister
Northeast corner of Oak & Fillmore
Southwest corner of Haight & Pierce
Southeast corner of Divisadero & Haight
Southwest corner of Buchanan & Haight
Fillmore & Haight (all 4 bus stops, graffiti and grime, canopies have graffiti)

Emergency Box
Northeast corner of Haight & Fillmore

In Memoriams

Gladys L. Jones Joubert – Entire Board
Derek Allen – Supervisor Mar
Elaine McKenna - Supervisor Elsbernd
Marzieh nee Ashraf os-Sadat Mortezai – Supervisor Mirkarimi
Nick Zlatunich – Supervisor Chu
Lauren Marie Nelson – Supervisor Alioto-Pier
Pauline Rueda – Supervisors Dufty & Avalos
Patricia Potter – Supervisor Dufty
Matthew Douglas Goodin – Supervisor Dufty
Alvin Cheim Cohen – Supervisor Dufty
Henry G. Pengel – Supervisors Dufty & Elsbernd

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:18 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on November 23, 2010.

Angela Calvillo, Clerk of the Board

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

GOVERNMENT
DOCUMENTS DEPT

DEC 16 2011

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Tuesday, October 26, 2010 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Elsbernd	Wednesday 11:00 AM
City and School District Select Committee Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, Avalos, Dufty	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mar, Chu, Maxwell	2nd and 4th Thursday 10:30 AM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Elsbernd	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Alioto-Pier, Mar	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:07 p.m. On the call of the roll, Supervisor Alioto-Pier was noted absent. There was a quorum.

Supervisor Alioto-Pier Excused from Voting

Supervisor Dufty, seconded by Supervisor Avalos, moved that Supervisor Alioto-Pier be excused from voting. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Mar, seconded by Supervisor Maxwell, moved to approve the Board Meeting Minutes of September 14, 2010, and September 21, 2010. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

COMMUNICATIONS

There were none.

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

President, David Chiu, inquired if the Mayor would make an appearance before the Board of Supervisors. Starr Terrell, the Mayor's Liaison to the Board of Supervisors, indicated the Mayor would not be present.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

101104 [Public Employment - Department of the Environment]
Sponsor: Mayor
Ordinance amending Ordinance No. 191-10 (Annual Salary Ordinance FY2010-2011) to reflect the addition of two positions: one (1) Class 5640 Environmental Specialist, one (1) Class 5644 Environmental Manager in the Department of the Environment.
(Fiscal Impact.)

Ordinance No. 263-10

FINALLY PASSED

101154 [Accept and Expend Grant - Office of the Public Defender - Rosenberg Foundation and Amendment to the Annual Salary Ordinance FY2010-2011 - $47,000]
Sponsor: Mirkarimi
Ordinance authorizing the Office of the Public Defender to accept and expend a grant in the amount of $47,000 from the Rosenberg Foundation, via Institute for Local Governance, to develop a California Reentry Council Network to assist in the development of statewide capacity to improve reentry policies and programs, and amending Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect addition of one (1) temporary Class 8173 Legal Assistant, grant-funded position (0.55 FTE), in the Office of the Public Defender.

Ordinance No. 262-10

FINALLY PASSED

101159 [Taxable and/or Tax Exempt Certificates of Participation for Various Capital Improvements - Not to Exceed $48,000,000]
Sponsor: Mayor
Ordinance authorizing the execution and delivery of Certificates of Participation in an aggregate principal amount not to exceed $48,000,000 to finance the acquisition, construction, improvement and installation of certain street improvements and of various disability access improvement projects; approving the form of a Second Supplement to Trust Agreement between the City and County of San Francisco and the Trustee named therein (including certain indemnities contained therein); approving the form of a Second Supplement to Property Lease between the City, as lessor, and the Trustee, as lessee; approving the form of a Second Supplement to Project Lease between the Trustee, as lessor, and the City, as lessee; approving the form of an Official Notice of Sale and Notice of Intention to Sell for the Certificates of Participation, if sold by competitive sale; authorizing certain actions relating to the Certificates of Participation, if sold by negotiated sale; delegating to the Director of Public Finance the authority to sell the Certificates of Participation by either a competitive or negotiated sale; approving the form of a Purchase Contract between the City and the underwriter(s) selected in accordance herewith, if the Certificates of Participation are sold by negotiated sale; approving the form of an official statement in preliminary and final form; approving the form of a Continuing Disclosure Certificate; granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of the Certificates of Participation; approving modifications to documents; and ratifying previous actions taken in connection therewith.
(Fiscal Impact.)

Ordinance No. 264-10

FINALLY PASSED

Recommendations of the Land Use and Economic Development Committee

100881 [Zoning Map Amendment - 1717-17th Street to Conform with Lot Line Adjustment]
Sponsor: Maxwell
Ordinance amending the San Francisco Zoning Map by amending the lot reference applicable to 1717-17th Street, and an adjacent property, referred to as 495 DeHaro Street, so that the height district applicable to each lot in its entirety is 48-X and 45-X, respectively, in conformance with a lot line adjustment between the subject properties; and making various findings, including environmental findings, and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

Ordinance No. 261-10

FINALLY PASSED

100917 [Planning Code - Area Plan Impact Fee and Jobs-Housing Linkage Program]
Sponsors: Avalos; Mar
Ordinance amending the San Francisco Planning Code sections related to Area Plan Impact Fees (Rincon Hill, Market and Octavia, Eastern Neighborhoods, and Balboa Park) and Jobs-Housing Linkage Fee to (1) improve Planning Code readability and ease of application with regard to impact fees; (2) create consistent definitions and application across the Area Plan Impact Fee and Jobs-Housing Linkage Fee provisions; (3) better recognize and account for the impact of existing conditions of development sites affected by the Area Plan Impact Fees and the Jobs-Housing Linkage Fee; (4) promote adaptive re-use of existing buildings in the Eastern Neighborhoods; and (5) clarify the impact fees associated with the Eastern Neighborhoods' on-going "legitimization" program; and adopting findings, including Section 302, environmental findings, and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Department)

Supervisor Mar requested to be added as a co-sponsor.

Ordinance No. 270-10

FINALLY PASSED

101200 [Planning Code - Preservation, Rehabilitation and Maintenance of Preservation Lots; Zoning Map and General Plan Map Amendments - 680 California Street (Old St. Mary's Cathedral)]
Sponsors: Chiu, Maxwell and Mar
Ordinance amending Section 128 of the San Francisco Planning Code to require approval of a plan for preservation, rehabilitation, and maintenance of a Preservation Lot property prior to receipt of a Statement of Eligibility for Transferable Development Rights (TDR), to establish reporting procedures regarding the preservation, rehabilitation, and maintenance, and to allow the sale of TDR from an individually landmarked building to any lot in a C-3 zoned district except Redevelopment Areas; amending the San Francisco Zoning Map by amending Zoning Use District Map ZN01 to change the use classification of 680 California Street (Old St. Mary's Cathedral), Block No. 0241, Lot Nos. 011 and 012, from Chinatown Visitor Retail District to C-3-0 District and making conforming amendments to the Chinatown and Downtown Area Plans of the San Francisco General Plan; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Supervisor Mar requested to be added as a co-sponsor.

Ordinance No. 256-10

FINALLY PASSED

101258 [Functional Classification Change for Local Streets]
Resolution approving the Department of Public Works recommended changes to the Functional Classification of local streets and roads and directing the Department to submit this resolution to the State of California, Department of Transportation. (Public Works Department)

Resolution No. 504-10

ADOPTED

Recommendation of the Public Safety Committee

100963 [Healthy Nail Salon Recognition Program]
Sponsors: Chiu; Maxwell, Alioto-Pier, Chu, Mirkarimi, Mar and Campos
Ordinance amending the San Francisco Administrative Code by adding Chapter 27, Sections 27.1 through 27.6, to create a program to recognize nail salons that use nail polishes free of the toxic chemicals toluene, dibutyl phthalate, and formaldehyde.

Ordinance No. 269-10

FINALLY PASSED

Recommendations of the Rules Committee

100472 [Access Appeals Commission - Notice to the Mayor's Office of Disability]
Sponsor: Alioto-Pier
Ordinance amending the San Francisco Building Code by adding Section 105A.3.10 to require that an agenda and packet of materials for each matter to be decided by the Access Appeals Commission shall be sent to the Mayor's Office of Disability at the same time and in the same manner as they are sent to the Commission members.

Ordinance No. 268-10

FINALLY PASSED

100910 [Settlement of Lawsuit - California Department of Fair Employment and Housing (Zimmerman) - $105,000]
Ordinance authorizing settlement of the lawsuit filed by the California Department of Fair Employment and Housing (Plaintiff), Linda Zimmerman (Real Party in Interest) against the City and County of San Francisco for $105,000, the lawsuit was filed on March 4, 2009, in San Francisco Superior Court, Case No. CGC-09-485723; entitled Department of Fair Employment and Housing (Zimmerman) v. City and County of San Francisco. (City Attorney)

Ordinance No. 260-10

FINALLY PASSED

100911 [Settlement of Lawsuit - Michael Lew - $90,000]
Ordinance authorizing settlement of the lawsuit filed by Michael Lew against the City and County of San Francisco for $90,000, including re-employment and restoration of vacation and sick leave; the lawsuit was filed on May 11, 2009, in San Francisco Superior Court, Case No. CGC-09-488262; entitled Michael Lew v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 259-10

FINALLY PASSED

100959 [Settlement of Lawsuit - Carlos Garcia - $2,400,000]

Ordinance authorizing settlement of the lawsuit filed by Carlos Garcia against the City and County of San Francisco for $2,400,000; the lawsuit was filed on December 5, 2005, in San Francisco Superior Court, Case No. CGC-05-447342; entitled Carlos Garcia, et al. v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 255-10

FINALLY PASSED

101008 [Centralized and Publicly Accessible Online Database of Appointments to Advisory Bodies]

Sponsors: Chiu; Chu, Alioto-Pier and Mar

Ordinance amending the San Francisco Administrative Code by adding Sections 1.57-1 through 1.57-5, to provide for the establishment and maintenance of a centralized and publicly accessible online database of information concerning appointments made by Appointing Authorities to City and County of San Francisco advisory bodies.

Ordinance No. 265-10

FINALLY PASSED

101231 [Settlement of Lawsuit - Galliera, Inc. dba Trico Construction - $700,000]

Ordinance authorizing settlement of the lawsuit filed by Galliera, Inc. dba Trico Construction against the City and County of San Francisco for $700,000; the lawsuit was filed on December 29, 2008, in San Francisco Superior Court, Case No. CGC-08-483555, entitled Galliera, Inc. dba Trico Construction v. City and County of San Francisco, et al.; other material terms of the settlement are: (1) the settlement includes the consolidated action Cal Centurian Construction, Inc. dba RWR Construction v. Galliera, Inc. dba Trico Construction, et al., San Francisco Superior Court, Case No. CGC-09-485849, (2) the settlement includes all cross-complaints, (3) mutual releases except for warranties, guarantees, latent defects, and personal injury, (4) dismissal of all complaints and cross-complaints with prejudice, and (5) each party to bear its own attorneys fees and costs. (City Attorney)

Ordinance No. 258-10

FINALLY PASSED

101232 [Settlement of Lawsuit - Jeri D. Sessler - $75,000]

Ordinance authorizing settlement of the lawsuit filed by Jeri D. Sessler against the City and County of San Francisco for $75,000; the lawsuit was filed on June 3, 2009, in San Francisco Superior Court, Case No. CGC-09-488998; entitled Jeri D. Sessler, et al. v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 257-10

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

101158 [Taxable and/or Tax Exempt Certificates of Participation (HOPE SF) - Not to Exceed $38,000,000]

Sponsor: Mayor

Ordinance authorizing the execution and delivery of Taxable and/or Tax Exempt Certificates of Participation (HOPE SF) in an aggregate principal amount not to exceed $38,000,000 to finance certain capital improvement projects; approving the form of a Trust Agreement between the City and County of San Francisco and the trustee (including certain indemnities contained therein); granting authorization for the selection of a trustee; approving the form of a Property Lease between the City and the Trustee named therein relating to certain property generally known as the Mission Police Station, certain property generally known as the Bayview Station of the San Francisco Police Department and certain other City-owned property; approving the form of a Project Lease between the City and the Trustee (including certain indemnities contained therein); delegating to the Director of Public Finance the authority to sell the Certificates of Participation by either a competitive or negotiated sale; approving the form of an Official Notice of Sale and a Notice of Intention to Sell the Taxable and/or Tax Exempt Certificates of Participation (HOPE SF), if sold by competitive sale; authorizing certain actions relating to the Taxable and/or Tax Exempt Certificates of Participation (HOPE SF), if sold by negotiated sale including approving the form of a Purchase Contract between the City and an underwriter named therein; approving the form of an Official Statement in preliminary form; approving the form of a Continuing Disclosure Certificate; granting general authority to City officials to take necessary actions in connection with the authorization, sale, execution and delivery of the Taxable and/or Tax Exempt Certificates of Participation (HOPE SF); approving modifications to documents; and ratifying previous actions taken in connection therewith.
(Fiscal Impact.)

Ordinance No. 266-10

FINALLY PASSED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Excused: 1 - Alioto-Pier

101192 [Appropriating $38,000,000 of Certificate of Participation Proceeds for the HOPE SF Development Project in the Mayor's Office of Housing for FY2010-2011]
Sponsors: Mayor; Maxwell
Ordinance appropriating $38,000,000 of Certificate of Participation Series 2011B proceeds to fund the HOPE SF Development Project sponsored by Hunters View Associates in the Mayor's Office of Housing for FY2010-2011 and placing these funds on Controller's reserve pending issuance of the COPs or associated commercial paper used for cash flow purposes in FY2010-2011.
(Fiscal Impact.)

Ordinance No. 267-10

FINALLY PASSED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Excused: 1 - Alioto-Pier

NEW BUSINESS

Recommendations of the Budget and Finance Committee

101197 [Contract Approval - Municipal Transportation Agency - Capital Program Controls System Procurement and Related Support Services - Not to Exceed $22,268,541]
Sponsor: Chu
Resolution approving the San Francisco Municipal Transportation Agency Contract No. CS-156, Agency Capital Program Controls System Procurement, and Related Support Services, to Hill International, as negotiated, for an amount not to exceed $22,268,541 for a term not to exceed eight years, with expenditures limited to $13,481,000 pending receipt and certification of additional funding.
(Fiscal Impact.)

Privilege of the floor was granted to Arthur Wong (MTA) who responded to questions raised throughout the discussion regarding File No. 101197.

Resolution No. 501-10

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

101199 [Accept and Expend Grant - Department of Public Health - State Vocational Rehabilitation Services Program - $7,685,055]

Sponsor: Maxwell

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the California Department of Rehabilitation in the total amount of $7,685,055 to provide vocational rehabilitation services to clients for the period July 1, 2010, through June 30, 2013, waiving indirect costs.
(Fiscal Impact.)

Resolution No. 503-10

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

101215 [Leases of Real Property at 729 Filbert Street, 650 Fifth Street, 160 South Van Ness Avenue, and 109 New Montgomery Street]

Resolution authorizing the amendment of four existing leases (at 729 Filbert Street, 650 Fifth Street, 160 South Van Ness Avenue, and 109 New Montgomery Street) to reduce the rent and extend the lease term for the Department of Public Health, Human Services Agency, and the Department of Child Support Services. (Real Estate Department)

Resolution No. 506-10

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

101252 [Amendment to the Redevelopment Agency Budget - Not to Exceed $520,743]

Sponsor: Mayor

Resolution approving an amendment to the budget of the Redevelopment Agency of the City and County of San Francisco for FY2010-2011 by authorizing expenditures in an amount not to exceed $520,743 for personnel positions associated with the implementation of the Candlestick Point - Hunters Point Shipyard Phase 2 Project.

Resolution No. 510-10

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

101213 [Airline/Airport 2011 Lease and Use Agreement with Various Airlines]

Resolution approving six new Airline/Airport Lease and Use Agreements between the City and County of San Francisco and various airlines, effective July 1, 2011, to allow such airlines to conduct domestic and international flight operations at San Francisco International Airport. (Airport Commission)

Resolution No. 505-10

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

101214 [Airline/Airport Lease and Use Agreement and Lease and Operating Agreement Modifications with Alaska Airlines, Inc., and Continental Airlines, Inc.]
Resolution approving modifications to the terms of two Airline/Airport Lease and Use Agreements between the City and County of San Francisco and Alaska Airlines, Inc., and Continental Airlines, Inc., to allow such airlines to modify the rental of Terminal Space. (Airport Commission)

Resolution No. 502-10

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Recommendations of the Government Audit and Oversight Committee

101156 [Memorandum of Understanding, Amendment No. 2 - Service Employees International Union, Local 1021 (H-1 Fire Rescue Paramedics)]
Sponsor: Mayor
Ordinance adopting and implementing Amendment No. 2 to the 2007-2012 Memorandum of Understanding between the City and County of San Francisco and Service Employees International Union, Local 1021, H-1 Fire Rescue Paramedics, by extending the term of the parties' agreement through June 30, 2013, and by implementing specified terms and conditions of employment for FYs 2010-2011, 2011-2012, and 2012-2013.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

101157 [Administrative Code - Updating Provisions Consistent with State and Local Law and Related Clean-Up Provisions on Employee Relations]
Sponsor: Mayor
Ordinance amending Section 16.200 through Section 16.222 of the San Francisco Administrative Code regarding Employee Relations to update provisions consistent with state and local law and related clean-up provisions.

Supervisor Mar, seconded by Supervisor Daly, moved that this Ordinance be CONTINUED ON FIRST READING to November 9, 2010. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Recommendations of the Land Use and Economic Development Committee

100878 [Fire Code - Repealing and Replacing]

Ordinance repealing the San Francisco Fire Code in its entirety and replacing that code with a new 2010 San Francisco Fire Code consisting of the 2010 California Fire Code and portions of the 2009 International Fire Code together with San Francisco amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and directing the Clerk of the Board to forward San Francisco's amendments to the California Building Standards Commission and State Fire Marshal; and making environmental findings. (Fire Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

100946 [Building Code - Repealing and Replacing]

Ordinance repealing the 2007 San Francisco Building Code in its entirety and replacing that Code with a new 2010 San Francisco Building Code that consists of the 2010 California Building Code and San Francisco amendments thereto; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7, and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

100950 [Building Code - Residential Building - Repealing and Replacing]

Ordinance incorporating the provisions of the 2010 California Residential Code into various chapters of the San Francisco Building Code with local amendments, and adding Chapter 36 to serve as a directory of where such provisions may be found in the San Francisco Building Code; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7, and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

101128 [Building Code - Green Building - Repealing and Replacing]

Ordinance repealing Chapter 13C of the San Francisco Building Code in its entirety and enacting a new Chapter 13C that consists of the 2010 California Green Building Standards Code with local amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and Public Resources Code Section 25402.1(h)(2), and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

100952 [Electrical Code - Repealing and Replacing]

Ordinance repealing the 2007 San Francisco Electrical Code in its entirety and replacing that code with a new 2010 San Francisco Electrical Code that consists of the 2010 California Electrical Code and San Francisco amendments thereto; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7, and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

101126 [Mechanical Code - Repealing and Replacing]

Ordinance repealing the 2007 San Francisco Mechanical Code in its entirety and replacing that code with a new 2010 San Francisco Mechanical Code that consists of the 2010 California Mechanical Code and San Francisco amendments thereto; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7, and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

101127 [Plumbing Code - Repealing and Replacing]

Ordinance repealing the 2007 San Francisco Plumbing Code in its entirety and replacing that code with a new 2010 San Francisco Plumbing Code that consists of the 2010 California Plumbing Code and San Francisco amendments thereto; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7, and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Recommendations of the Public Safety Committee

100455 [Environment Code - San Francisco Safe Drug Disposal Ordinance]
Sponsor: Mirkarimi

Ordinance amending the San Francisco Environment Code by adding Chapter 22, Sections 2201 through 2209, to require any person who produces a drug offered for sale in San Francisco to participate in an approved drug stewardship program for the collection and disposal of unwanted drugs from residential sources and to provide for implementation, enforcement, fees, and penalties, and making environmental findings.
(Supervisor Elsbernd dissented in Committee.)

Supervisor Mirkarimi, seconded by Supervisor Campos, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Ordinance amending the San Francisco Environment Code by adding Chapter 22, Sections 2201 through 2211, to: require any person who produces a drug offered for sale in San Francisco to participate in an approved drug stewardship program for the collection and disposal of unwanted drugs from residential sources; provide for implementation, enforcement, fees, and penalties; and phase-in the application of the Chapter to non-prescription drugs and controlled substances; and making environmental findings.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Ordinance be CONTINUED AS AMENDED ON FIRST READING to November 23, 2010. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

101062 [Health Code - Updating Enforcement and Compliance Procedures for Nuisance]
Sponsors: Avalos; Campos

Ordinance amending the San Francisco Health Code Articles 6 and 11 by amending Sections 580, 581, 596, 599, and 600, and adding Sections 292.5, 596.5, 602.3, and 610 to: 1) add requirements for refuse collection and storage in multi-story residential facilities; 2) update nuisance definitions; 3) add potential attorneys' fees recovery for the prevailing party in those cases which the City elects to recover attorneys' fees; 4) require owners of rental property to provide contact information to the Department; 5) add civil penalties; and 6) expand administrative penalties and procedures.
(Supervisor Elsbernd dissented in Committee.)

Supervisor Campos requested to be added as a co-sponsor.

Supervisor Avalos, seconded by Supervisor Maxwell, moved that this Ordinance be CONTINUED ON FIRST READING to November 16, 2010. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Daly, seconded by Supervisor Chiu, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Supervisor Daly, shared in song by introducing, welcoming, and presenting a Certificate of Honor to Walter Paulson in recognition of his continued community interest.

Supervisor Chiu introduced, welcomed, and presented a Certificate of Honor to Tom Hennessy and Abbie Yant of the St. Francis Hospital in recognition of their assistance during a recent fire on Hyde Street and for their continued community support.

Supervisor Dufty, on behalf of Supervisor Alioto-Pier, provided an overview of the Restaurant Appreciation Month commendation proceedings. Introductions and Certificates of Honor, in recognition of Restaurant Appreciation Month were presented as follows:

Supervisor Mar to Burma Superstar;
Supervisor Dufty, on behalf of Supervisor Alioto-Pier, to The Grove;
Supervisor Chu, shared by Supervisor Elsbernd, to Java Beach Café;
Supervisor Mirkarimi to Ebisu Japanese/Sushi and 1300 Restaurant;
Supervisor Daly to Fritz;
Supervisor Dufty to Chenery Park;
Supervisor Campos to Escape from New York Pizza;
Supervisor Maxwell to Piccino Restaurant;
Supervisor Avalos to Zabb Thai Cuisine;
Supervisor Chiu to Helmand Palace; and
Kelly Pretzer (OEWD), on behalf of Mayor Newsom, to Beretta.

Privilege of the floor was granted to Kevin Weslye (Golden Gate Restaurant Association) who shared in the recognitions for Restaurant Appreciation Month.

Supervisor Avalos introduced, welcomed, and presented a Certificate of Honor to the staff of Jail Health Services in recognition of their accomplishments and continued community support. Supervisors Campos and Maxwell shared in the recognition.

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

Privilege of the floor was granted to Joseph Smooke, Executive Director of the Bernal Heights Neighborhood Center, and Carlos Vela, who shared in the memory of Mauricio Vela.

Supervisor Elsbernd was noted absent at 3:15 p.m. and noted present at 3:47 p.m.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; shared in the memory of Mauricio Vela and expressed concerns relating to the SF Public Library.
Male Speaker; expressed various concerns.
Female Speaker; expressed concerns relating to Ferry Park.
Doug Muller; expressed various concerns relating to current labor strike.
Peter Alexander; expressed various concerns relating to current labor strike.
Marilyn Amini; expressed concerns relating to bicycle legislation.
Kenneth Tibet; expressed concerns relating to diet related diseases.
Carla Beba; expressed concerns relating to diet related diseases.
Nino Parker; expressed concerns relating to grafitti.
Male Speaker; expressed various religious concerns.
Rosario Serrvantes; expressed concerns relating to child care funding legislation.
Willow Lancaster; expressed concerns relating to child care funding legislation.
Junebug; expressed concerns relating to child care funding legislation.
Mary Markowitz; expressed concerns relating to child care funding legislation.
Maria Gustav; expressed concerns relating to child care funding legislation.
Renee Rivera; expressed concerns relating to bicycle legislation.
Donna Wilma; expressed concerns relating to Clipper Card transition.
Isiah Wilson; expressed concerns relating to poll worker training.
Peter Warfield; shared in the memory of Mauricio Vela and expressed concerns relating to the SF Public Library.
Jan Bornprom; expressed concerns relating to identify fraud.
Edmond Juicye; expressed various concerns.
Mr. Wright; expressed concerns relating to child care funding legislation..
Rachel; expressed various concerns.
John Jankel; expressed various concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

101319 [Encourage a Goal of 20% of Trips by Bicycle by 2020]
Sponsors: Chiu; Dufty, Mirkarimi, Maxwell, Mar and Campos
Resolution encouraging departments and agencies of the City and County of San Francisco to adopt a goal of 20% of trips by bicycle by 2020.

Supervisors Mar and Campos requested to be added as co-sponsors.

Resolution No. 511-10

ADOPTED

101320 [Parkside Branch Library Reopening]
Sponsors: Chiu; Campos
Resolution recognizing the Grand Reopening of the Parkside Branch Library and commending the San Francisco Public Library and its team for their hard work and commitment to San Francisco and its residents.

Supervisor Campos requested to be added as a co-sponsor.

Resolution No. 512-10

ADOPTED

101321 [Issuance and Sale of Revenue Bonds - Crescent Manor - 467 Turk Street]
Sponsor: Daly
Resolution approving the issuance and sale of tax-exempt bonds by the California Statewide Communities Development Authority in an aggregate principle amount not to exceed $11,000,000 for financing the acquisition, construction, and rehabilitation of Crescent Manor - 467 Turk Street, subject to the policies for such approvals adopted by the Board of Supervisors.

Resolution No. 509-10

ADOPTED

101322 [Accept and Expend Grant - PSI/Myanmar Collaborative Impact Study Planning - $7,993]
Sponsor: Dufty
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $7,993 from the University of California San Francisco (UCSF), to participate in a program entitled "PSI/Myanmar Collaborative Impact Study Planning" for the period of May 1, 2010, through June 29, 2010.

Resolution No. 508-10

ADOPTED

101323 [Accept and Expend Grant - Tanzania Support President's Emergency AIDS Plan - $27,062]
Sponsor: Dufty
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $27,062 from the University of California San Francisco (UCSF), to participate in a program entitled "Tanzania UCSF Technical Assistance to Support the President's Emergency Plan for AIDS" for the period of April 1, 2010, through September 29, 2010.

Resolution No. 507-10

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Mar requested that File No. 101328 be severed so that it may be considered separately.

101328 [Urging the Governor of California to Reinstate Stage 3 Child Care Funding]
Sponsors: Mar; Chiu, Campos and Dufty
Resolution urging the Governor of California to reinstate Stage 3 child care funding of $256,000,000 to protect 1,214 children in San Francisco and 81,000 children in California and to save thousands of jobs and urge the First 5 Commission to provide bridge funding until December 2010.

Supervisors Campos and Dufty requested to be added as co-sponsors.

Privilege of the floor was granted to Michele Rutherford (DHS) who responded to questions raised throughout the discussion regarding File No. 101328.

Resolution No. 513-10

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or Mayor

Ordinances

101349 [Administrative Code - DNA Testing in Sexual Assault Cases]
Sponsor: Alioto-Pier
Ordinance implementing the California "Sexual Assault Victims' Bill of Rights" by amending the San Francisco Administrative Code to: (1) add Section 2A.89 to require the Police Department to develop and implement procedures to collect and test DNA samples in sexual assault cases and provide information and notices to victims, require the Controller to evaluate DNA testing in sexual assault cases annually as part of the budget process, and make it the policy of the City and County of San Francisco to appropriate sufficient funds each fiscal year to ensure timely testing of DNA evidence in sexual assault cases; and (2) add Section 10.100-172 to establish the Police DNA Testing in Sexual Assault Cases Fund.

10/26/10; ASSIGNED UNDER 30 DAY RULE to Public Safety Committee, expires on 11/25/2010.

101350 [Planning Code – Zoning – Parking in South of Market and Mission Bay Districts]
Sponsor: Daly

Ordinance amending the San Francisco Planning Code by amending Sections 151, 151.1, 155, 161, 249.1, 249.23, and Part VII of Article 9 (1) to remove minimum parking requirements and establish maximum parking limits in M-1, C-M, and South of Market districts and the Folsom and Main Residential/Commercial and Fourth and Freelon Streets Special Use Districts to make them consistent with those of neighboring districts, (2) to require that non-residential and non-hotel parking in C-3 in the South of Market Mixed Use districts adjacent to Downtown maintain a fee structure which discourages long-term commuter parking, (3) to make parking controls in the Mission Bay Districts that are subject to the Planning Code consistent with requirements of neighboring districts; and (4) adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

10/26/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/25/2010.

101351 [Planning Code - Zoning - Temporary Uses and Mobile Food Facilities]
Sponsor: Dufty

Ordinance amending the San Francisco Planning Code by adding Section 102.31 to define a Mobile Food Facility, amending Section 205 and adding Section 205.4 to establish a new category of temporary uses, and amending Sections 212, 790.91, 790.93 and 890.90 to clarify that Mobile Food Facilities need not be conducted within enclosed buildings; adopting findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1.

10/26/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

101352 [Various Codes - Mobile Food Facilities - Department of Public Works Permitting Authority]
Sponsor: Dufty

Ordinance amending the San Francisco Police Code and San Francisco Public Works Code by repealing Articles 17.2 (Regulations for Mobile Caterers; Permit and License Provisions) and 17.3 (Permit Regulations for Pushcart Peddlers), transferring the regulations to a new Article 5.8 of the Public Works Code commencing with Section 184.80, redefining Mobile Caterers and Pushcart Peddlers as Mobile Food Facilities; making other amendments to implement the transfer, including new fee and penalty provisions and new notice and hearing procedures; amending Sections 440 and 451 of the San Francisco Health Code and repealing Section 249, amending Section 249.1, and adding Section 249.23 to the San Francisco Business and Tax Regulations Code to update definitions and add annual fees and plan check fees for Mobile Food Facilities; and adopting environmental findings.

10/26/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

101098 [Administrative Code - Electronic Distribution of Multi-Page Documents]
Sponsors: Mirkarimi; Chiu, Campos and Mar

Ordinance amending the San Francisco Administrative Code by amending Sections 1.56 and 8.12.4, adding Section 8.12.5, and re-numbering Section 8.12-1 as 8.13, to provide for the electronic distribution of documents more than 10 pages long prepared by City departments.

08/10/10; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 9/9/2010. 9/9/10 - Recommendation letter received from the Planning Department.
9/29/10 - Recommendation letter received from the Planning Department.

10/19/10; SUBSTITUTED AND ASSIGNED to Rules Committee.

10/26/10; SUBSTITUTED AND ASSIGNED to Rules Committee.

Resolutions

101355 [Resolution to Establish the Ocean Avenue Community Benefits District]
Sponsor: Avalos
Resolution establishing a property-based business improvement district to be known as the "Ocean Avenue Community Benefits District," ordering the levy and collection of assessments against property located in that district for fifteen years commencing with FY2010-2011, subject to conditions as specified, and making environmental findings.

10/26/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

101356 [Assessment Ballots for City-Owned Parcels for Proposed Ocean Avenue Community Benefits District]
Sponsor: Avalos
Resolution authorizing the Mayor to cast assessment ballots in the affirmative on behalf of the City and County of San Francisco as the owner of two parcels and part of a third parcel of real property over which the Board of Supervisors has jurisdiction, where those two parcels and the partial parcel would be subject to assessment in the proposed property and business improvement district to be named the Ocean Avenue Community Benefits District.

10/26/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101357 [Settlement of Unlitigated Claims - Skyline Stables Corporation - $650,000]
Sponsor: Avalos
Resolution approving the settlement of the unlitigated claims by and between Skyline Stables Corporation (Skyline) and City and County of San Francisco, related to the lease between Skyline and the San Francisco Public Utilities Commission (SFPUC) of a portion of the SFPUC Harry Tracy Water Treatment Plant (HTWTP) site in San Mateo County, the SFPUC approval of the HTWTP Long Term Improvement Project to improve water service reliability and seismic stability of the HTWTP, the SFPUC termination of Skyline's lease and Skyline's vacation of the lease premises, and SFPUC's offer to acquire the leasehold interest, calling for SFPUC to pay $650,000 to Skyline, and including other material terms and conditions in a settlement and release agreement.

10/26/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101358 [Annual Reports - Fisherman's Wharf Community Benefit District and Fisherman's Wharf Portside Community Benefit District]
Sponsor: Chiu
Resolution approving annual reports to the City for Fisherman's Wharf Community Benefit District and for Fisherman's Wharf Portside Community Benefit District, receiving and approving the Districts' Annual Reports for FYs 2006-2007, 2007-2008, and 2008-2009, as submitted pursuant to Section 36650 of the Business Property and Community Benefit Act of 1994 (California Streets and Highways Code §§36600 et seq.) and Section 3.4 of the Districts' management contracts with the City.

10/26/10; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

101359 [Annual Report - Greater Union Square Business Improvement District and Modifying Management District Plan]

Sponsor: Chiu

Resolution regarding Greater Union Square Business Improvement District, receiving and approving the District's Annual Report for FY2009-2010 as submitted pursuant to Section 36650 of the Property and Business Improvement District Law of 1994 (California Streets and Highways Code §§36600 et seq.) and Section 3.4 of the District's Management Agreement with the City, which includes the District's proposed budget for FY2010-2011; modifying the Management District Plan in accordance with the Annual Report; and conforming the Management Agreement to changes in the Management District Plan.

10/26/10; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

101360 [Accept and Expend Grant - HIV Testing Disproportionately Affected Populations - $877,273]

Sponsor: Dufty

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $877,273 from the Centers for Disease Control to fund the project Expanded HIV Testing for Disproportionately Affected Populations for the period of September 30, 2010, through September 29, 2011, waiving indirect costs.

10/26/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

101361 [Annual Reports - Noe Valley Community Benefit District]

Sponsor: Dufty

Resolution regarding Noe Valley Community Benefit District annual reports to the City, receiving and approving the District's annual reports for District FYs 2006-2007, 2007-2008, and 2008-2009, as submitted pursuant to Section 36650 of the Business Property and Community Benefit Act of 1994 (California Streets and Highways Code §§36600 et seq.) and Section 3.4 of the District's management contract with the City.

10/26/10; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

101362 [Accept and Expend Gift - Joseph Lee Recreation Center - $162,063]

Sponsor: Maxwell

Resolution authorizing the Recreation and Park Department to accept and expend a gift from the John and Lisa Pritzker Family Fund for $54,021 annually for FYs 2010-2011, 2011-2012, and 2012-2013, for a total of $162,063, for general operating support of Joseph Lee Recreation Center.

10/26/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

101363 [Accept and Expend Grant - No Violence Alliance One Family Reentry Initiative - $300,000]

Sponsor: Mayor

Resolution authorizing the Sheriff's Department to retroactively apply for, accept, and expend $300,000 in funds from the Bureau of Justice Assistance, through the Second Chance Act Prisoner Reentry Initiative; the No Violence Alliance One Family Reentry Initiative will provide a comprehensive, family-focused continuum from in-custody to post-release for sentenced probationers incarcerated in the San Francisco County Jail with a history of substance abuse and minor children.

10/26/10; RECEIVED AND ASSIGNED to Public Safety Committee.

101364 [Accept and Expend Grant - FY2010 Forensic DNA Backlog Reduction Program - $320,274]

Sponsors: Mayor; Alioto-Pier

Resolution authorizing the San Francisco Police Department to retroactively accept and expend a grant totaling $320,274 from the U.S. Department of Justice/National Institute of Justice for the FY2010 Forensic DNA Backlog Reduction Program.

10/26/10; RECEIVED AND ASSIGNED to Public Safety Committee.

101365 [Accept and Expend Grant - The Keystone Project - $599,298]

Sponsor: Mayor

Resolution authorizing the Sheriff's Department to retroactively apply for, accept, and expend $599,298 in funds from the Bureau of Justice Assistance, through the Second Chance Act Prisoner Reentry Initiative; the Keystone Project will strive to increase public safety and reduce recidivism among offenders with co-occurring disorders in the City and County of San Francisco, and waiving any indirect costs.

10/26/10; RECEIVED AND ASSIGNED to Public Safety Committee.

101366 [Accept and Expend Grant - FY2010 Technology Program Gunshot Location System - $750,000]

Sponsor: Mayor

Resolution authorizing the San Francisco Police Department to retroactively accept and expend a $750,000 grant from the U.S. Department of Justice/Office of Community Oriented Policing FY2010 Technology Program for a Gunshot Location System.

10/26/10; RECEIVED AND ASSIGNED to Public Safety Committee.

101367 [Accept and Expend Gift - Gene Friend Recreation Center - $100,000]

Sponsor: Daly

Resolution authorizing the Recreation and Park Department to accept and expend a gift of $100,000 from the San Francisco Parks Trust, on behalf of the Friend Family Foundation, for the renovation of the Gene Friend Recreation Center. (Recreation and Park Department)

10/26/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101368 [Accept and Expend Gift - Music Concourse Trees - $30,000]

Sponsor: Mar

Resolution authorizing the Recreation and Park Department to accept and expend a gift of $30,000 from the San Francisco Parks Trust on behalf of Chase Freedom for the purchase, planting, and care of approximately 40 London Plane trees in Golden Gate Park's Music Concourse. (Recreation and Park Department)

10/26/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Motion

101353 [Committee of the Whole - Public Hearing to Establish the Ocean Avenue Community Benefits District]
Sponsor: Avalos
Motion directing the Board of Supervisors to hold a public hearing on November 16, 2010, with the Board sitting as a Committee of the Whole, to consider adopting a Resolution to Establish the Ocean Avenue Community Benefits District.

10/26/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

101354 [Public Hearing - Resolution to Establish the Ocean Avenue Community Benefits District]
Sponsor: Avalos
Hearing of persons interested in or objecting to proposed Resolution establishing a property-based business improvement district to be known as the "Ocean Avenue Community Benefits District," ordering the levy and collection of assessments against property located in that district for fifteen years commencing with FY2010-2011, subject to conditions as specified, and making environmental findings.

10/26/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

101369 [Hearing - Childcare and Early Child Education Audit]
Sponsor: Alioto-Pier
Hearing to consider the findings of the Budget and Legislative Anlayst's audit of the City's childcare and early child education programs. The hearing will address recommendations of the audit, and consider responses from the Department of Children, Youth and Their Families, Human Services Agency, Children and Families First Commission, and Department of Public Health.

10/26/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

101370 [Hearing - Parking Meter Rates and Penalties]
Sponsor: Alioto-Pier
Hearing to consider the report of the Budget and Legislative Analyst analyzing the parking meters rates and penalties and exploring whether the San Francisco Municipal Transportation Agency would be willing to reduce or cap these rates and penalties to provide relief to working San Franciscans.

10/26/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101371 [San Francisco Unified School District's New Student Assignment System]
Sponsor: Dufty
Hearing to consider the San Francisco Unified School District's: 1) new student assignment system; 2) the potential impact on the transportation system; and 3) how the City and District are collaborating to optimize the transportation options for our children and youth.

10/26/10; RECEIVED AND ASSIGNED to City and School District Select Committee.

101372 [Hearing - City Services Auditor's Audit on Public Utilities Commission]
Sponsor: Mar
Hearing on the Controller's Office recent City Services Auditor's audit on the San Francisco Public Utilities Commission.

10/26/10; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

101373 [Hearing - City Services Auditor's Audit on Police Department]
Sponsor: Mar
Hearing on the Controller's Office recent City Services Auditor's audit on the San Francisco Police Department.

10/26/10; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Introduced by the President at the Request of a Department

PROPOSED RESOLUTIONS

101301 [Approval of Contract - AnsaldoBreda, Inc. - Repair of Damaged LRVs - Not to Exceed $32,854,622]
Resolution approving Contract No. CPT 626.02, repair of damaged light rail vehicles, between the City and County of San Francisco, through the San Francisco Municipal Transportation Agency, and AnsaldoBreda, Inc., to rebuild up to seven damaged light rail vehicles, in an amount not to exceed $32,854,622, and for a term not to exceed six years, with expenditures limited to $13,000,000 pending certification of additional funding. (Municipal Transportation Agency) (Fiscal Impact.)

10/18/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101302 [Harry Tracy Water Treatment Plant Improvements Project Findings]
Resolution adopting findings under the California Environmental Quality Act (CEQA), including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the Harry Tracy Water Treatment Plant Long-Term Improvements Project No. CUW36701, part of the Water System Improvement Program, for the improvements to the regional water supply system and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

10/15/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101304 [Crystal Springs Pipeline Number Two Replacement Project Findings]
Resolution adopting findings under the California Environmental Quality Act, including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the Crystal Springs Pipeline Number 2 Replacement Project No. CUW37801, part of the Water System Improvement Program for the improvements to the regional water supply system, and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

10/15/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101305 [Lower Crystal Springs Dam Improvements Project Findings]

Resolution adopting findings under the California Environmental Quality Act, including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the Lower Crystal Springs Dam Improvements Project No. CUW35401, including the Mitigation Habitat Actions at ten sites mostly in San Mateo County, and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

10/15/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101306 [Purchase Agreement - Permanent Access Road Easement - Parcel Nos. 016-002-011 and 016-002-012 - Stanislaus County - $500]

Resolution approving and authorizing an agreement for the purchase of a permanent access road easement totaling 751 square feet over a portion of Assessor's Parcel Nos. 016-002-011 and 016-002-012 located in Stanislaus County, required for the San Joaquin Pipeline System Project No. CUW37301 for a purchase price of $500; adopting findings under the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

10/18/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101307 [Purchase Agreement - Permanent Access Road Easement - Parcel No. 016-002-048 - Stanislaus County - $2,500]

Resolution approving and authorizing an agreement for the purchase of a permanent access road easement totaling 398 square feet over a portion of Assessor's Parcel No. 016-002-048 located in Stanislaus County, required for the San Joaquin Pipeline System Project No. CUW37301, for a purchase price of $2,500; adopting findings under the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

10/18/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from newsstands at the following locations:

San Francisco Bay Guardian
Southeast corner of Fillmore and Post
Southwest corner of Divisadero and Sutter
9th Avenue and Judah (near bus stops)
7th Avenue and Irving (near bus stops)
Northwest corner of Hayes and Fillmore
Southeast corner of Fillmore and Haight

San Francisco Chronicle
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore
Irving and 9th Avenue
Irving and 7th Avenue
Southwest corner of Haight and Clayton
Southeast corner of Haight and Masonic

Examiner
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore

SF Daily
Northwest corner of Hayes and Gough

City Star
Northwest corner of Hayes and Gough
Southeast corner of Fillmore and Haight

SF Weekly
Southeast corner of Masonic and Haight
Southeast corner of Haight and Fillmore

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the public property located at the following locations:

Utility Boxes
Northeast corner of Eddy and Fillmore
South of 940 Fillmore
Across the street from 235 Buchanan
Northeast corner of Linden and Buchanan
Southwest corner of Central and Fulton

Bus Shelter
Northeast corner of Eddy and Fillmore
Northeast corner of Hayes and Fulton
Southwest corner of Pierce and Haight
Southeast corner of Buchanan and Haight

Fillmore and Haight (all 4 bus stops, graffiti and grime and canopies are graffiti also canopies have graffiti)

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations:

Metal Pole
Across the street from 226 Haight

Wood Pole
In front of 624 Fulton

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti at the following private property locations:

1689 Fulton
1056 Divisadero
736 Divisadero
500 Fell, on the Fillmore side
295 Buchanan, on the Haight side
630 Haight
645 Haight
546 Haight
707 Haight

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti at the following locations:

Garbage Cans
Northeast corner of Page and Stanyan
Southeast corner of Fell and Fillmore

From: Supervisor Dufty
To: Director, Municipal Transportation Agency
Requesting/Inquiring: Encouraging that the Municipal Transportation Agency make announcements that seats in the front of Muni buses and streetcars also be made available to pregnant women or mothers accompanied by young children. This inquiry was initiated by Nino Parker of San Francisco Pretrial Diversion Project.

In Memoriams

Mauricio Vela – Entire Board
Lucia Di Grande – Supervisor Chiu
Neil Chaitin – Supervisors Chiu, Chu and Dufty
Ellen "Muffie" Meier – Supervisor Dufty

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:01 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on December 7, 2010.

Angela Calvillo, Clerk of the Board

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

GOVERNMENT
DOCUMENTS DEPT

DEC 16 2011

SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, November 2, 2010 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Elsbernd	Wednesday 11:00 AM
City and School District Select Committee Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, Avalos, Dufty	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mar, Chu, Maxwell	2nd and 4th Thursday 10:30 AM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Elsbernd	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Alioto-Pier, Mar	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:09 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Campos, moved to approve the Board Meeting Minutes of September 28, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMUNICATIONS

President, David Chiu, announced and congratulated the San Francisco Giants for winning the 2010 World Series; encouraged all citizens to vote at today's election; and recognized San Francisco's Court School 2010 youth in attendance. There were no other communications.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

101282 [Accept and Expend Grant - The ARTery Project - $250,000]
Sponsors: Mayor; Dufty
Resolution authorizing the San Francisco Arts Commission to retroactively accept and expend a grant in the amount of $250,000 from the National Endowment for the Arts for the Mid Market Cultural District Partnership, now called The ARTery Project.

Resolution No. 523-10

ADOPTED

Recommendations of the City Operations and Neighborhood Services Committee

100296 [Liquor License - 2367-2371 Market Street]

Resolution determining that the issuance of a Type 48 on-sale general public premises liquor license to Pornchai Hutachinda for P H Holdings, Inc., dba the Cafe, located at 2367-2371 Market Street (District 8), will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Resolution No. 518-10

ADOPTED

101196 [Gift Acceptance - Equipment and Furnishings - $155,013]

Sponsors: Chiu; Elsbernd

Resolution authorizing the Recreation and Park Department to accept a gift of equipment and furnishings valued at $155,013 from the San Francisco Parks Trust Gear-up Campaign to be used at Hamilton Recreation Center, Midtown Terrace Playground, Harvey Milk Center for the Recreational Arts, Sunnyside Conservatory, Sunnyside Clubhouse, and other Recreation and Park Department facilities.

Resolution No. 526-10

ADOPTED

101198 [Accept and Expend Grant - Screening, Brief Intervention, and Referral to Treatment Project - $25,331]

Sponsor: Chu

Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant in the amount of $25,331 from the University of California, San Francisco, to fund the Screening, Brief Intervention, and Referral to Treatment project, and to enter into an agreement for the use of these funds for the period of September 30, 2009, through September 29, 2010.

Resolution No. 522-10

ADOPTED

101251 [Accept and Expend Grant - Youth Stewardship Program - $165,000]

Sponsor: Maxwell

Resolution authorizing the San Francisco Recreation and Park Department to retroactively accept and expend a grant in the amount of $165,000 to support the San Francisco Recreation and Park Department's Youth Stewardship Program for the period of October 1, 2010, through October 1, 2015.

Resolution No. 521-10

ADOPTED

101275 [Accept and Expend Grant - Illegal Dumping Abatement Project - Not to Exceed $350,000]
Sponsor: Maxwell
Resolution authorizing the Director of the Department of Public Works to apply for, accept and expend a grant in the amount of up to but not to exceed $350,000 from the Solid Waste Disposal Clean-up Site Trust Fund for clean-up of illegal dumping sites in San Francisco.

Resolution No. 517-10

ADOPTED

101298 [Gift Acceptance - Two Automobiles from KKI Productions - $31,239.30]
Resolution authorizing the San Francisco Police Department to accept as gifts from KKI Productions a 2007 Honda Accord with mileage of 33,681 valued at $15,571.44 and a 2008 Toyota Corolla S-Type with mileage of 32,518 valued at $15,667.86. These automobiles will be placed into the general fleet of vehicles assigned to the San Francisco Police Department.

Resolution No. 525-10

ADOPTED

Recommendation of the Government Audit and Oversight Committee

101156 [Memorandum of Understanding, Amendment No. 2 - Service Employees International Union, Local 1021 (H-1 Fire Rescue Paramedics)]
Sponsor: Mayor
Ordinance adopting and implementing Amendment No. 2 to the 2007-2012 Memorandum of Understanding between the City and County of San Francisco and Service Employees International Union, Local 1021, H-1 Fire Rescue Paramedics, by extending the term of the parties' agreement through June 30, 2013, and by implementing specified terms and conditions of employment for FYs 2010-2011, 2011-2012, and 2012-2013.

Ordinance No. 254-10

FINALLY PASSED

Recommendations of the Land Use and Economic Development Committee

100878 [Fire Code - Repealing and Replacing]
Ordinance repealing the San Francisco Fire Code in its entirety and replacing that code with a new 2010 San Francisco Fire Code consisting of the 2010 California Fire Code and portions of the 2009 International Fire Code together with San Francisco amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and directing the Clerk of the Board to forward San Francisco's amendments to the California Building Standards Commission and State Fire Marshal; and making environmental findings. (Fire Department)

Ordinance No. 277-10

FINALLY PASSED

100946 [Building Code - Repealing and Replacing]

Ordinance repealing the 2007 San Francisco Building Code in its entirety and replacing that Code with a new 2010 San Francisco Building Code that consists of the 2010 California Building Code and San Francisco amendments thereto; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7, and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

Ordinance No. 276-10

FINALLY PASSED

100950 [Building Code - Residential Building - Repealing and Replacing]

Ordinance incorporating the provisions of the 2010 California Residential Code into various chapters of the San Francisco Building Code with local amendments, and adding Chapter 36 to serve as a directory of where such provisions may be found in the San Francisco Building Code; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7, and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

Ordinance No. 275-10

FINALLY PASSED

100952 [Electrical Code - Repealing and Replacing]

Ordinance repealing the 2007 San Francisco Electrical Code in its entirety and replacing that code with a new 2010 San Francisco Electrical Code that consists of the 2010 California Electrical Code and San Francisco amendments thereto; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7, and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

Ordinance No. 274-10

FINALLY PASSED

101126 [Mechanical Code - Repealing and Replacing]

Ordinance repealing the 2007 San Francisco Mechanical Code in its entirety and replacing that code with a new 2010 San Francisco Mechanical Code that consists of the 2010 California Mechanical Code and San Francisco amendments thereto; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7, and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

Ordinance No. 273-10

FINALLY PASSED

101127 [Plumbing Code - Repealing and Replacing]

Ordinance repealing the 2007 San Francisco Plumbing Code in its entirety and replacing that code with a new 2010 San Francisco Plumbing Code that consists of the 2010 California Plumbing Code and San Francisco amendments thereto; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7, and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

Ordinance No. 272-10

FINALLY PASSED

101128 [Building Code - Green Building - Repealing and Replacing]

Ordinance repealing Chapter 13C of the San Francisco Building Code in its entirety and enacting a new Chapter 13C that consists of the 2010 California Green Building Standards Code with local amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and Public Resources Code Section 25402.1(h)(2), and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

Ordinance No. 271-10

FINALLY PASSED

Recommendations of the Rules Committee

101292 [Appointments, Immigrant Rights Commission - Vera Haile, Samer Danfoura, Teresa Chee, and Elahe Enssani]

Motion to appointing Vera Haile, Samer Danfoura, Teresa Chee, and Elahe Enssani, terms ending June 6, 2012, to the Immigrant Rights Commission. (Clerk of the Board)

Motion No. M10-155

APPROVED

101293 [Appointment, Commission on the Aging Advisory Council - Catherine Rose Russo]

Motion appointing Catherine Rose Russo, term ending March 31, 2012, to the Commission on the Aging Advisory Council. (Clerk of the Board)

Motion No. M10-156

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the Consent Agenda

Supervisor Daly requested that File No. 100899 be severed so that it may be considered separately.

100899 [Appointment, Entertainment Commission - Timothy Benetti]
Motion appointing Timothy Benetti, term ending July 1, 2014, to the Entertainment Commission. (Clerk of the Board)

Motion No. M10-157

APPROVED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Daly, Elsbernd

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Land Use and Economic Development Committee

101096 [Health Code - Setting Nutritional Standards for Restaurant Food Sold Accompanied by Toys or Other Youth Focused Incentive Items]
Sponsors: Mar; Campos, Chiu and Avalos
Ordinance amending Article 8 of the San Francisco Health Code by adding Sections 471.1 through 471.8, to set nutritional standards for restaurant food sold accompanied by toys or other youth focused incentive items.

Supervisor Mar, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Ordinance amending Article 8 of the San Francisco Health Code by adding Sections 471.1 through 471.9, to set nutritional standards for restaurant food sold accompanied by toys or other youth focused incentive items.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

NEW BUSINESS

Recommendations of the Budget and Finance Committee

101248 [Appropriating $85,000,000 of General Obligation Bonds for the Department of Public Works and the Public Utilities Commission for FY2010-2011]
Sponsors: Mayor; Chiu
Ordinance appropriating $85,000,000 of the 2010 Series 1 Earthquake Safety and Emergency Response General Obligation Bond proceeds including $76,603,071 to the Department of Public Works, and $8,396,929 to the Public Utilities Commission for necessary repairs and seismic improvements in order to better prepare San Francisco for a major earthquake or natural disaster for FY2010-2011, and placing these funds on Controller's Reserve pending the sale of the bonds.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101268 [Waiver of Street Encroachment Inspection Fee for Golden Gate Transportation District]
Sponsor: Elsbernd
Ordinance waiving the Street Encroachment Permit Inspection Fee established through Public Works Code Section 2.1.1 for signs related to bus service for the Golden Gate Bridge, Highway, and Transportation District.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101269 [Accept and Expend Grant - Probation Specialized Supervision Program and Amendment to the Annual Salary Ordinance for FY2010-2011 - $300,000]
Sponsor: Maxwell
Ordinance authorizing the Department of Adult Probation to retroactively accept and expend a grant in the amount of $300,000 from the California Emergency Management Agency for Probation Specialized Supervision Program federally funded through the Violence Against Women Act and amend Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect the addition of three (3) grant-funded positions (.75 FTE) in Class 8444 Deputy Probation Officer, (.50 FTE) in Class 9920 Public Service Aide/Probation Aide, and (.50 FTE) in Class 9920 Public Service Aide/Probation Aide at the Department of Adult Probation.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101270 [Accept and Expend Grant - San Francisco Reentry Courts and Amendment to the Annual Salary Ordinance for FY2010-2011 - $500,000]

Sponsor: Mirkarimi

Ordinance authorizing the Adult Probation Department to retroactively accept and expend a grant in the amount of $500,000 from the Office of Justice Programs for funding under the Second Chance Act State, Local and Tribal Reentry Courts, and amend Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect the addition of (4) four grant funded positions; (.20 FTE) in Class 8138 Court Reporter at the Adult Probation Department, (.20 FTE) in Class 8113 Court Clerk at the Adult Probation Department, (.40 FTE) in Class 8177 Attorney at the Office of the Public Defender (PDR) and (.75 FTE) in Class 2912 Sr. Social Worker at the Department of Public Health.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101228 [Contract Modification - Hamilton Family Center - $180,000]

Resolution concurring with the Human Services Agency's Declaration of Emergency to modify the contract between the City and County of San Francisco and Hamilton Family Center to provide emergency elevator repairs for the family shelter in the amount of $180,000. (Human Services Department)

Resolution No. 520-10

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101255 [Issuance of General Obligation Bonds (Earthquake Safety and Emergency Response Bonds, 2010) - Not to Exceed $412,300,000]

Sponsors: Mayor; Chiu

Resolution providing for the issuance of not to exceed $412,300,000 aggregate principal amount of City and County of San Francisco General Obligation Bonds (Earthquake Safety and Emergency Response Bonds, 2010); authorizing the execution, authentication, and registration of said bonds; providing for the levy of a tax to pay the principal and interest thereof; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related thereto; ratifying certain actions previously taken; adopting certain CEQA findings and determinations; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of said bonds.

Resolution No. 516-10

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101256 [Sale of General Obligation Bonds (Earthquake Safety and Emergency Response Bonds, 2010) - Not to Exceed $85,000,000]

Sponsors: Mayor; Chiu

Resolution authorizing and directing the sale of not to exceed $85,000,000 aggregate principal amount of City and County of San Francisco General Obligation Bonds (Earthquake Safety and Emergency Response Bonds, 2010), Series 2010E (Tax-Exempt), and City and County of San Francisco General Obligation Bonds (Earthquake Safety and Emergency Response Bonds, 2010), Series 2010F (Federally Taxable Build America Bonds); prescribing the form and terms of said bonds; authorizing the execution, authentication, and registration of said bonds; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related thereto; providing for the manner of sale of said bonds by competitive sale; approving the forms of official notice of sale and notice of intention to sell bonds; directing the publication of the notice of intention to sell bonds; approving the form of the preliminary official statement and the form and execution of the official statement relating to the sale of said bonds; approving the form of the continuing disclosure certificate; approving modifications to documents; ratifying certain actions previously taken; adopting certain CEQA findings and determinations; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale, and delivery of said bonds.

Resolution No. 515-10

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101316 [Board Review and Approval of 2010 United States Department of Housing and Urban Development Continuum of Care Programs Application]

Sponsor: Mayor

Resolution approving the City and County of San Francisco 2010 Grant Application for the United States Department of Housing and Urban Development Continuum of Care Programs and fulfilling the San Francisco Board of Supervisors' review and approval process for all annual or otherwise recurring grants of $5,000,000 or more.

Resolution No. 524-10

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101318 [Resolution of Intention to Form the Civic Center Community Benefit District]

Sponsor: Mayor

Resolution (1) declaring the intention of the Board of Supervisors to establish a property-based business improvement district (community benefit district) to be known as the "Civic Center Community Benefit District" and levy a multi-year assessment on identified parcels in the district; (2) approving the management district plan and engineer's report and proposed boundaries map for the district; (3) ordering and setting a time and place for a public hearing thereon; (4) approving the form of the Notice of Public Hearing and Assessment Ballots; (5) directing environmental findings; and (6) directing the Clerk of the Board of Supervisors to give notice of the public hearing and balloting, as required by law.

Resolution No. 514-10

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

Recommendation of the City Operations and Neighborhood Services Committee

101009 [Environment Code - Healthy Air and Clean Transportation Program]
Sponsors: Mayor; Dufty

Ordinance (1) amending the San Francisco Environment Code by repealing current Sections 400 through 409, and adopting new Sections 400 through 424; (2) amending the San Francisco Environment Code by amending current Sections 410, 411, and 421 and re-numbering them as Sections 425, 426, and 427 respectively; and (3) amending the San Francisco Administrative Code by amending Section 4.10-1, all to establish and implement a new Healthy Air and Clean Transportation Program, providing for the gradual conversion of the City's vehicle fleet to clean air vehicles and the gradual reduction of the overall number of passenger vehicles and light duty trucks in the City's vehicle fleet by 20 percent; and making environmental findings.

Supervisors Mar and Campos requested to be added as co-sponsors.

PASSED, ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Dufty, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Daly, seconded by Supervisor Campos, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

Supervisor Daly Excused from Voting

Supervisor Chiu, seconded by Supervisor Mirkarimi, moved that Supervisor Daly be excused from voting on File No. 100046. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Daly

100046 [Planning Code, Administrative Code - Amending Inclusionary Housing Ordinance]
Sponsors: Mayor; Chiu and Campos

Ordinance amending the Planning Code and Administrative Code by amending the Inclusionary Affordable Housing Program, Planning Code Section 415 et seq. (formerly Code Section 315, et seq.) (Program) and to require all project applicants to pay the Affordable Housing Fee unless they are eligible for an alternative; making other amendments to the Program including expanding the uses of the Citywide Affordable Housing Fund, deleting provisions relating to certain requirements for off-site units, and deleting provisions requiring a refund of fees after issuance of certificate of occupancy; amending Sections 416 and 417 to make conforming amendments to the Inclusionary Affordable Housing Program; amending Section 827 to delete the requirement that 50% of on- or off-site affordable housing units provided under Section 415 et seq. in the Rincon Hill Area Plan be provided as rental; amending the Administrative Code by amending Chapter 56 related to Development Agreements to create certain exceptions from its requirements for rental housing developments with on-site inclusionary units; and making findings including findings under the California Environmental Quality Act.

Supervisor Chiu, seconded by Supervisor Mar, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Daly

Ordinance amending the Planning Code and Administrative Code by amending the Residential Inclusionary Affordable Housing Program, Planning Code Section 415 et seq. (formerly Code Section 315 et seq.) (the "Program") to change the name of the Program to the Affordable Inclusionary Affordable Housing Program and to require all project applicants to pay the Affordable Housing Fee unless they are eligible for an alternative; making other amendments to the Program including expanding the uses of the Citywide Affordable Housing Fund, deleting provisions relating to certain requirements for off-site units, and deleting provisions requiring a refund of fees after issuance of certificate of occupancy; amending Sections 416 and 417 to make conforming amendments to the Inclusionary Affordable Housing Program; amending the Van Ness Market Special Use District, Section 249.33, to delete the provision that a project sponsor may only meet up to 50% of the Program's requirements through payment of the fee; amending Section 827 to delete the requirement that 50% of on- or off-site affordable housing units provided under Section 415 et seq. in the Rincon Hill Area Plan be provided as rental; amending the Administrative Code by amending Chapter 56 related to Development Agreements to create certain exceptions from its requirements for rental housing developments with on-site inclusionary units; and making findings including findings under the California Environmental Quality Act.

Supervisor Chiu, seconded by Supervisor Mirkarimi, moved that this Ordinance be RE-REFERRED AS AMENDED to the Land Use and Economic Development Committee. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Daly

100829 [Planning Code - Car-Share Controls]

Sponsors: Chiu; Mar and Maxwell

Ordinance amending the San Francisco Planning Code, including Section 151.1 to enable the Planning Commission to require the provision of annual memberships to certified car-share organizations to residents of certain new development projects when certain findings are made; Section 163 to promote car-share services as a component of transportation management programs and transportation brokerage services; and Section 166 to permit car-share spaces in the same manner as residential accessory parking and require that car-sharing requirements for non-residential uses apply to all zoning districts; adopting findings, including findings under Section 302 of the Planning Code, environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101216 [Mission Bay South - Fourth Street, Channel Street, and Third Street Public Infrastructure Improvements]

Ordinance accepting the irrevocable offers of property along portions of Channel Street and Third Street and the irrevocable offers of improvements of public infrastructure improvements, including acquisition facilities on Channel Street, Fourth Street, and Third Street; dedicating such improvements for public use; declaring such areas as shown on Department of Public Works maps as open public right-of-way; designating such areas and improvements for street and roadway purposes; establishing street grades and sidewalk widths; accepting said facilities for City maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 178,869; and authorizing official acts in connection with this Ordinance. (Public Works Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101217 [Mission Bay South - Blocks 10-10A Public Infrastructure Improvements]

Ordinance accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay South Blocks 10-10A including acquisition facilities on China Basin Street, Terry A. Francois Boulevard and Mission Bay Boulevard North; declaring City property as shown on official Department of Public Works maps as open public right-of-way; dedicating such improvements for public use and designating such areas and improvements for street and roadway purposes; establishing street grades and sidewalk widths; accepting said facilities for City maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 178,870; and authorizing official acts in connection with this Ordinance. (Public Works Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101218 [Mission Bay South - Storm Water Pump Station No. 6 Public Infrastructure Improvements]

Ordinance accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay Storm Water Pump Station No. 6 including acquisition facilities located on and under Bayfront Park along Terry A. Francois Boulevard; accepting said facilities for City maintenance and liability purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 178,871; and authorizing official acts in connection with this Ordinance. (Public Works Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Rules Committee

101246 [Administrative Code - Medical Cannabis Task Force Membership, Powers, and Duties]

Sponsor: Campos

Ordinance amending San Francisco Administrative Code by amending Sections 5.2-3 and 5.2-5 to: (1) increase the number of members of the San Francisco Medical Cannabis Task Force (Task Force) from 13 to 15; (2) establish qualifications for the two members added to the Task Force; and (3) expand powers and duties of the Task Force to include developing and making recommendations to the Board of Supervisors about local regulation of medical cannabis in the event that State Proposition 19 is approved by the voters in the election held on November 2, 2010.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100907 [Appointments, San Francisco Relocation Appeals Board - Steven Jin Lee and Natividad M. Ramirez]

Sponsor: Mayor

Motion confirming the appointments of Steven Jin Lee and Natividad M. Ramirez to the San Francisco Relocation Appeals Board, terms ending January 2, 2012.

Motion No. M10-158

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101234 [Confirming Reappointment, San Francisco Redevelopment Agency - Leroy King]

Sponsor: Mayor

Motion confirming the reappointment of Leroy King to the San Francisco Redevelopment Agency for a four-year term ending September 3, 2014.

Motion No. M10-159

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Special Times of Business

Supervisor Mirkarimi, seconded by Supervisor Dufty, moved to suspend Rule 4.29 of the Rules of Order of the Board of Supervisors to allow the SPECIAL ORDER 3:30 P.M. - Recognition of Commendations to be heard earlier. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Maxwell, seconded by Supervisor Mar, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Maxwell introduced, welcomed, and presented a Certificate of Honor to the members of the Food Guardian Project in recognition of their accomplishments and continued community support. Supervisor Mar shared in the recognition.

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Supervisor Dufty was noted absent at 2:56 p.m.; was noted present at 3:05 p.m.

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Walter Paulson; shared in song certain concerns with the Board.
Charlie Walker; expressed concerns regarding trucking rates.
LaVaughan Moore; expressed concerns regarding trucking rates.
Ace Washington; shared in song certain concerns with the Board.
John Caldera; congratulated the San Francisco Giants.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

101367 [Accept and Expend Gift - Gene Friend Recreation Center - $100,000]
Sponsor: Daly

Resolution authorizing the Recreation and Park Department to accept and expend a gift of $100,000 from the San Francisco Parks Trust, on behalf of the Friend Family Foundation, for the renovation of the Gene Friend Recreation Center. (Recreation and Park Department)

Resolution No. 519-10

ADOPTED

101368 [Accept and Expend Gift - Music Concourse Trees - $30,000]
Sponsor: Mar
Resolution authorizing the Recreation and Park Department to accept and expend a gift of $30,000 from the San Francisco Parks Trust on behalf of Chase Freedom for the purchase, planting, and care of approximately 40 London Plane trees in Golden Gate Park's Music Concourse. (Recreation and Park Department)

Resolution No. 527-10

ADOPTED

101353 [Committee of the Whole - Public Hearing to Establish the Ocean Avenue Community Benefits District]
Sponsor: Avalos
Motion directing the Board of Supervisors to hold a public hearing on November 16, 2010, with the Board sitting as a Committee of the Whole, to consider adopting a Resolution to Establish the Ocean Avenue Community Benefits District.

Motion No. M10-160

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or Mayor

Ordinances

101385 [Administrative Code - Health Service System Eligibility]
Sponsor: Alioto-Pier
Ordinance amending Administrative Code Section 16.700 to identify additional members of boards, commissions, and councils eligible for membership in the San Francisco Health Service System.

11/02/10; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee.

100041 [Public Works Code, Administrative Code - Personal Wireless Service Facility Site Permits and Associated Fees]
Sponsors: Avalos; Campos, Mar and Chiu
Ordinance amending the San Francisco Public Works Code by: (1) adding Article 25, Sections 1500 through 1528, to establish new requirements for Personal Wireless Service Facility Site Permits and to increase certain fees for obtaining such permits, (2) amending the San Francisco Administrative Code by amending Chapter 11, Article 1, Section 11.9, to eliminate obsolete provisions related to such permits, (3) making the provisions of the ordinance retroactive, and (4) making environmental findings.

01/12/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/12/2010.
11/21/2010 - 14-day fee ad published.

01/19/10; REFERRED TO DEPARTMENT.

01/20/10; RESPONSE RECEIVED.

08/03/10; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

08/31/10; REFERRED TO DEPARTMENT.

10/26/10; RESPONSE RECEIVED.

11/02/10; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

Resolutions

101386 [Water Revenue Bonds Issuance for 2010 - Not to Exceed $600,000,000]
Sponsor: Elsbernd
Resolution approving the issuance of water revenue bonds and water revenue refunding bonds in an aggregate principal amount not to exceed $600,000,000 to be issued by the Public Utilities Commission of the City and County of San Francisco; affirming covenants contained in the indenture pursuant to which the water revenue bonds are issued; authorizing the taking of appropriate actions in connection therewith; and related matters.

11/02/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101387 [Design Agreement - Public Safety Building, Earthquake Safety, and Emergency Response Bond Program - Not to Exceed $17,205,152]
Sponsor: Mayor
Resolution authorizing the Director of Public Works to execute an amendment to the professional services agreement for the design of a new public safety building under the Earthquake Safety and Emergency Response Bond Program to increase the not to exceed amount from $3,997,600 to $17,205,152.

11/02/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101388 [Denouncing the Deportation of Shing Ma "Steve" Li and Urging Congress to Pass the DREAM Act]
Sponsors: Mar; Chiu, Avalos, Campos, Mirkarimi and Dufty
Resolution denouncing the deportation of Shing Ma "Steve" Li, a DREAM Act student at City College of San Francisco, calling for Immigration and Customs Enforcement to grant him deferred action status, and urging Congress to pass the DREAM Act.

11/02/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Motion

101376 [2011 Board of Supervisors Regular Meeting Schedule]
Motion establishing the 2011 Board of Supervisors regular meeting schedule by canceling the Board meetings of January 18, February 22, May 31, July 5, October 11, and November 29; and by further canceling all Board and Committee meetings during the summer and winter breaks from August 10 through September 2, 2011, and December 14 through December 30, 2011. (Clerk of the Board)

11/02/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Introduced by the President at the Request of a Department

PROPOSED ORDINANCES

101303 [Settlement of Lawsuit - Viz Media, LLC - $219,000]
Ordinance authorizing settlement of the lawsuit filed by Viz Media, LLC, against the City and County of San Francisco for $219,000; the lawsuit was filed on August 10, 2010, in San Francisco Superior Court, Case No. CGC-10-502460; entitled Viz Media, LLC, v. City and County of San Francisco, et al. (City Attorney)

10/18/10; RECEIVED AND ASSIGNED to Rules Committee.

101340 [Settlement of Lawsuit - Regal Stone, Ltd. - City to Receive $3,717,096.52]
Ordinance authorizing settlement of the lawsuit filed by City and County of San Francisco against Regal Stone, Ltd, et al. for the sum of $3,717,096.52, including previous initial payment of $2,000,000; the lawsuit was filed on December 10, 2007, in San Francisco Superior Court, Case No. CGC-07-469876 (transferred to Monterey County Superior Court, Case No. M98173); entitled City and County of San Francisco, et al., v. Regal Stone, Ltd., et al. (City Attorney)

10/21/10; RECEIVED AND ASSIGNED to Rules Committee.

101341 [Settlement of Lawsuit - Toni Battle - $150,000]
Ordinance authorizing settlement of the lawsuit filed by Toni Battle against the City and County of San Francisco for $150,000; the lawsuit was filed on October 16, 2009, in San Francisco Superior Court, Case No. CGC 09-493489, entitled Battle v. City and County of San Francisco, et al. (City Attorney)

10/21/10; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

101346 [Airport Concession Leases - Lori's Diner, Andale, Meyers Holdings, and H. Young Enterprises]

Resolution approving Amendment No. 1 to Domestic Terminals Food and Beverage Lease No. 03-0178 with Lori's Diner International; No. 03-0179 with Andale Airports; No. 03-0181 with Meyers Holdings, LLC; and No. 03-0188 with H. Young Enterprises, and the City and County of San Francisco, by and through its Airport Commission. (Airport Commission)

10/22/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from newsstands at the following locations:

San Francisco Bay Guardian
Southeast corner of Fillmore and Post
Southwest corner of Divisadero and Sutter
9th Avenue and Judah (near bus stops)
7th Avenue and Irving (near bus stops)
Northwest corner of Hayes and Fillmore
Southeast corner of Fillmore and Haight

San Francisco Chronicle
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore
Irving and 9th Avenue
Irving and 7th Avenue
Southwest corner of Haight and Clayton
Southeast corner of Haight and Masonic

Examiner
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore

SF Daily
Northwest corner of Hayes and Gough

City Star
Northwest corner of Hayes and Gough
Southeast corner of Fillmore and Haight

SF Weekly
Southeast corner of Masonic and Haight
Southeast corner of Haight and Fillmore

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the public property located at the following locations:

Utility Boxes
On Stanyan Street, between Fulton & Hayes, on East side of street.
Southwest corner Central & Fulton

Bus Shelter
Southwest corner Buena Vista East & Haight
Southwest corner Divisadero & Haight
Southwest corner Pierce & Haight
Southwest corner Buchanan & Haight
Southeast corner Hayes & Buchanan
Fillmore and Haight (all 4 bus stops (including canopies) – graffiti and grime).

Emergency Boxes
Southeast corner Hayes & Broderick
Northeast Lyon & Haight

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations:

Metal Pole
In front of 438 Haight

Wood Pole
In front of 437 Oak

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti at the following private property locations:

512 Laguna
1689 Fulton
542 Haight
546 Haight
1172 Fell
2277 Fulton
208 Scott
798 Haight
747 Haight
160 Pierce
606 Haight
537 Haight
509 Haight

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti at the following locations:

Garbage Cans
Southeast corner Fell & Fillmore

Mailbox
Southwest corner Oak & Webster
Southwest corner Divisadero & Grove
Northeast corner Baker & Haight

In Memoriams

Judge Raymond D. Williamson, Jr. – Supervisor Elsbernd
Philip McRae Robertson – Supervisor Dufty

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 3:10 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on December 7, 2010.

Angela Calvillo, Clerk of the Board

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

GOVERNMENT
DOCUMENTS DEPT

DEC 16 2011

SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, November 9, 2010 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Elsbernd	Wednesday 11:00 AM
City and School District Select Committee Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, Avalos, Dufty	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mar, Chu, Maxwell	2nd and 4th Thursday 10:30 AM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Elsbernd	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Alioto-Pier, Mar	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:18 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Mar, seconded by Supervisor Maxwell, moved to approve the Board Meeting Minutes of October 5, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMUNICATIONS

President, David Chiu, recognized the students from the East Palo Alto Phoenix Academy in attendance.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

101248 [Appropriating $85,000,000 of General Obligation Bonds for the Department of Public Works and the Public Utilities Commission for FY2010-2011]
Sponsors: Mayor; Chiu
Ordinance appropriating $85,000,000 of the 2010 Series 1 Earthquake Safety and Emergency Response General Obligation Bond proceeds including $76,603,071 to the Department of Public Works, and $8,396,929 to the Public Utilities Commission for necessary repairs and seismic improvements in order to better prepare San Francisco for a major earthquake or natural disaster for FY2010-2011, and placing these funds on Controller's Reserve pending the sale of the bonds.

Ordinance No. 284-10

FINALLY PASSED

101268 [Waiver of Street Encroachment Inspection Fee for Golden Gate Transportation District]
Sponsor: Elsbernd
Ordinance waiving the Street Encroachment Permit Inspection Fee established through Public Works Code Section 2.1.1 for signs related to bus service for the Golden Gate Bridge, Highway, and Transportation District.

Ordinance No. 283-10

FINALLY PASSED

101269 [Accept and Expend Grant - Probation Specialized Supervision Program and Amendment to the Annual Salary Ordinance for FY2010-2011 - $300,000]
Sponsor: Maxwell
Ordinance authorizing the Department of Adult Probation to retroactively accept and expend a grant in the amount of $300,000 from the California Emergency Management Agency for Probation Specialized Supervision Program federally funded through the Violence Against Women Act and amend Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect the addition of three (3) grant-funded positions (.75 FTE) in Class 8444 Deputy Probation Officer, (.50 FTE) in Class 9920 Public Service Aide/Probation Aide, and (.50 FTE) in Class 9920 Public Service Aide/Probation Aide at the Department of Adult Probation.

Ordinance No. 285-10

FINALLY PASSED

101270 [Accept and Expend Grant - San Francisco Reentry Courts and Amendment to the Annual Salary Ordinance for FY2010-2011 - $500,000]
Sponsor: Mirkarimi
Ordinance authorizing the Adult Probation Department to retroactively accept and expend a grant in the amount of $500,000 from the Office of Justice Programs for funding under the Second Chance Act State, Local and Tribal Reentry Courts, and amend Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect the addition of (4) four grant funded positions; (.20 FTE) in Class 8138 Court Reporter at the Adult Probation Department, (.20 FTE) in Class 8113 Court Clerk at the Adult Probation Department, (.40 FTE) in Class 8177 Attorney at the Office of the Public Defender (PDR) and (.75 FTE) in Class 2912 Sr. Social Worker at the Department of Public Health.

Ordinance No. 282-10

FINALLY PASSED

Recommendations of the Land Use and Economic Development Committee

100829 [Planning Code - Car-Share Controls]
Sponsors: Chiu; Mar and Maxwell
Ordinance amending the San Francisco Planning Code, including Section 151.1 to enable the Planning Commission to require the provision of annual memberships to certified car-share organizations to residents of certain new development projects when certain findings are made; Section 163 to promote car-share services as a component of transportation management programs and transportation brokerage services; and Section 166 to permit car-share spaces in the same manner as residential accessory parking and require that car-sharing requirements for non-residential uses apply to all zoning districts; adopting findings, including findings under Section 302 of the Planning Code, environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Department)

Ordinance No. 286-10

FINALLY PASSED

101216 [Mission Bay South - Fourth Street, Channel Street, and Third Street Public Infrastructure Improvements]
Ordinance accepting the irrevocable offers of property along portions of Channel Street and Third Street and the irrevocable offers of improvements of public infrastructure improvements, including acquisition facilities on Channel Street, Fourth Street, and Third Street; dedicating such improvements for public use; declaring such areas as shown on Department of Public Works maps as open public right-of-way; designating such areas and improvements for street and roadway purposes; establishing street grades and sidewalk widths; accepting said facilities for City maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 178,869; and authorizing official acts in connection with this Ordinance. (Public Works Department)

Ordinance No. 281-10

FINALLY PASSED

101217 [Mission Bay South - Blocks 10-10A Public Infrastructure Improvements]
Ordinance accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay South Blocks 10-10A including acquisition facilities on China Basin Street, Terry A. Francois Boulevard and Mission Bay Boulevard North; declaring City property as shown on official Department of Public Works maps as open public right-of-way; dedicating such improvements for public use and designating such areas and improvements for street and roadway purposes; establishing street grades and sidewalk widths; accepting said facilities for City maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 178,870; and authorizing official acts in connection with this Ordinance. (Public Works Department)

Ordinance No. 280-10

FINALLY PASSED

101218 [Mission Bay South - Storm Water Pump Station No. 6 Public Infrastructure Improvements]

Ordinance accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay Storm Water Pump Station No. 6 including acquisition facilities located on and under Bayfront Park along Terry A. Francois Boulevard; accepting said facilities for City maintenance and liability purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 178,871; and authorizing official acts in connection with this Ordinance. (Public Works Department)

Ordinance No. 279-10

FINALLY PASSED

Recommendations of the Public Safety Committee

101317 [Accept and Expend Grant - San Francisco Re-entry Center Program - $750,000]

Sponsor: Chiu

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $750,000 through the United States Department of Justice, Bureau of Justice Assistance, for a program entitled "San Francisco Re-entry Center" for the grant period of October 1, 2010, through March 31, 2012.

Resolution No. 532-10

ADOPTED

101363 [Accept and Expend Grant - No Violence Alliance One Family Reentry Initiative - $300,000]

Sponsor: Mayor

Resolution authorizing the Sheriff's Department to retroactively apply for, accept, and expend $300,000 in funds from the Bureau of Justice Assistance, through the Second Chance Act Prisoner Reentry Initiative; the No Violence Alliance One Family Reentry Initiative will provide a comprehensive, family-focused continuum from in-custody to post-release for sentenced probationers incarcerated in the San Francisco County Jail with a history of substance abuse and minor children.

Resolution No. 533-10

ADOPTED

101364 [Accept and Expend Grant - FY2010 Forensic DNA Backlog Reduction Program - $320,274]

Sponsors: Mayor; Alioto-Pier

Resolution authorizing the San Francisco Police Department to retroactively accept and expend a grant totaling $320,274 from the U.S. Department of Justice/National Institute of Justice for the FY2010 Forensic DNA Backlog Reduction Program.

Resolution No. 534-10

ADOPTED

101365 [Accept and Expend Grant - The Keystone Project - $599,298]
Sponsor: Mayor
Resolution authorizing the Sheriff's Department to retroactively apply for, accept, and expend $599,298 in funds from the Bureau of Justice Assistance, through the Second Chance Act Prisoner Reentry Initiative; the Keystone Project will strive to increase public safety and reduce recidivism among offenders with co-occurring disorders in the City and County of San Francisco, and waiving any indirect costs.

Resolution No. 535-10

ADOPTED

101366 [Accept and Expend Grant - FY2010 Technology Program Gunshot Location System - $750,000]
Sponsor: Mayor
Resolution authorizing the San Francisco Police Department to retroactively accept and expend a $750,000 grant from the U.S. Department of Justice/Office of Community Oriented Policing FY2010 Technology Program for a Gunshot Location System.

Resolution No. 536-10

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the City Operations and Neighborhood Services Committee

101009 [Environment Code - Healthy Air and Clean Transportation Program]
Sponsors: Mayor; Dufty, Mar, Campos and Chiu
Ordinance (1) amending the San Francisco Environment Code by repealing current Sections 400 through 409, and adopting new Sections 400 through 424; (2) amending the San Francisco Environment Code by amending current Sections 410, 411, and 421 and re-numbering them as Sections 425, 426, and 427 respectively; and (3) amending the San Francisco Administrative Code by amending Section 4.10-1, all to establish and implement a new Healthy Air and Clean Transportation Program, providing for the gradual conversion of the City's vehicle fleet to clean air vehicles and the gradual reduction of the overall number of passenger vehicles and light duty trucks in the City's vehicle fleet by 20 percent; and making environmental findings.

Ordinance No. 278-10

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Government Audit and Oversight Committee

101157 [Administrative Code - Updating Provisions Consistent with State and Local Law and Related Clean-Up Provisions on Employee Relations]
Sponsor: Mayor
Ordinance amending Section 16.200 through Section 16.222 of the San Francisco Administrative Code regarding Employee Relations to update provisions consistent with state and local law and related clean-up provisions.

Martin Gran (Department of Human Resources) responded to questions raised throughout the discussion.

Supervisor Mar, seconded by Supervisor Dufty, moved that this Ordinance be CONTINUED ON FIRST READING to November 16, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Land Use and Economic Development Committee

101096 [Health Code - Setting Nutritional Standards for Restaurant Food Sold Accompanied by Toys or Other Youth Focused Incentive Items]
Sponsors: Mar; Campos, Chiu and Avalos
Ordinance amending Article 8 of the San Francisco Health Code by adding Sections 471.1 through 471.9, to set nutritional standards for restaurant food sold accompanied by toys or other youth focused incentive items.

Ordinance No. 290-10

FINALLY PASSED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

Recommendation of the Rules Committee

101246 [Administrative Code - Medical Cannabis Task Force Membership, Powers, and Duties]
Sponsor: Campos
Ordinance amending San Francisco Administrative Code by amending Sections 5.2-3 and 5.2-5 to: (1) increase the number of members of the San Francisco Medical Cannabis Task Force (Task Force) from 13 to 15; (2) establish qualifications for the two members added to the Task Force; and (3) expand powers and duties of the Task Force to include developing and making recommendations to the Board of Supervisors about local regulation of medical cannabis in the event that State Proposition 19 is approved by the voters in the election held on November 2, 2010.

Ordinance No. 287-10

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Chu, Elsbernd

NEW BUSINESS

Recommendations of the Budget and Finance Committee

101099 [Business and Tax Regulations Code - Common Administrative Provisions; Parking Tax; Business Registration]
Sponsors: Mirkarimi; Dufty
Ordinance amending the San Francisco Business and Tax Regulations Code by: (1) amending Article 6 (Common Administrative Provisions) to revise provisions relating to: certificates of authority to collect third-party taxes; prepayment and remittance requirements for hotel and parking operators; enforcement procedures and penalties; and to otherwise clarify and update the provisions of Article 6; (2) amending Article 9 (Tax on Occupancy of Parking Space in Parking Stations), Article 10 (Utility Users Tax), and Article 12 (Business Registration), to lengthen the time period that service suppliers must preserve records from 4 years to 5 years and to extend the payment date of the registration certificate; (3) repealing Sections 608 through 608.8 of Article 9 (Tax on Occupancy of Parking Space in Parking Stations); and (4) amending the San Francisco Administrative Code by amending Article XIII (Funds), Chapter 10 (Finance, Taxation, and Other Fiscal Matters), to correct references to the California Government Code.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101100 [Business and Tax Regulations Code - Adding to the Definition of "Control," Revising the Enforcement Authority, and Making Other Nonsubstantive Changes]
Sponsors: Mirkarimi; Dufty
Ordinance amending Article 22 of the Business and Tax Regulations Code by amending Sections 2201 through 2210, 2215, 2216, 2218, 2220, 2225, 2226, 2229, 2230, 2232, and 2233 and repealing Sections 2217, 2223, 2224, and 2237, to establish a presumption that certain operators, signatories and owners control the business affairs of the parking station, revise the Enforcing Agency's authority to permit the use of all authority granted by law and by Article 6 of this Code, and make other nonsubstantive changes.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101356 [Assessment Ballots for City-Owned Parcels for Proposed Ocean Avenue Community Benefits District]
Sponsor: Avalos
Resolution authorizing the Mayor to cast assessment ballots in the affirmative on behalf of the City and County of San Francisco as the owner of two parcels and part of a third parcel of real property over which the Board of Supervisors has jurisdiction, where those two parcels and the partial parcel would be subject to assessment in the proposed property and business improvement district to be named the Ocean Avenue Community Benefits District.

Resolution No. 528-10

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

101302 [Harry Tracy Water Treatment Plant Improvements Project Findings]
Resolution adopting findings under the California Environmental Quality Act (CEQA), including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the Harry Tracy Water Treatment Plant Long-Term Improvements Project No. CUW36701, part of the Water System Improvement Program, for the improvements to the regional water supply system and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

Resolution No. 531-10

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101357 [Settlement of Unlitigated Claims - Skyline Stables Corporation - $650,000]
Sponsor: Avalos
Resolution approving the settlement of the unlitigated claims by and between Skyline Stables Corporation (Skyline) and City and County of San Francisco, related to the lease between Skyline and the San Francisco Public Utilities Commission (SFPUC) of a portion of the SFPUC Harry Tracy Water Treatment Plant (HTWTP) site in San Mateo County, the SFPUC approval of the HTWTP Long Term Improvement Project to improve water service reliability and seismic stability of the HTWTP, the SFPUC termination of Skyline's lease and Skyline's vacation of the lease premises, and SFPUC's offer to acquire the leasehold interest, calling for SFPUC to pay $650,000 to Skyline, and including other material terms and conditions in a settlement and release agreement.

Resolution No. 530-10

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Government Audit and Oversight Committee

101155 [Administrative Code - Open Data Policy]
Sponsor: Mayor
Ordinance amending the San Francisco Administrative Code to add Section 22D to establish the City's Open Data Policy and require City departments to make appropriate data available to the public.

Privilege of the floor was granted to Jason Elliott (Mayor's Office) who responded to questions raised throughout the discussion.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101025 [Directing the Budget and Legislative Analyst's to Conduct Three Audits in FY2010-2011 and Setting Priorities]

Sponsor: Mar

Motion directing the Budget and Legislative Analyst to conduct three audits to evaluate (a) the City's policies and revenues for advertising on private property; (b) the financial impact to the City of the fiscal provisions of the City's Memoranda of Understanding with labor unions; and (c) the impact of hiring five new positions in the Assessor's Office on the property assessment backlog and property tax revenue.

Severin Campbell (Budget and Legislative Analyst's Office) and Ben Rosenfield (Controller) responded to questions raised throughout the discussion.

Motion No. M10-161

APPROVED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Chu, Dufty, Mar, Maxwell, Mirkarimi

Noes: 3 - Alioto-Pier, Daly, Elsbernd

Recommendations of the Land Use and Economic Development Committee

100992 [General Plan - Portion of 222-2nd Street]

Ordinance amending the General Plan of the City and County of San Francisco by amending Map 5 (Proposed Height and Bulk Districts) of the Downtown Area Plan to change the height and bulk classification of the west corner (within a rectangular area measuring 45 feet in length along the westernmost portion of the Howard Street frontage, to a depth of 82.5 feet) of the property located at 222-2nd Street (Assessor's Block No. 3735, Lot No. 063) from 150-S to 350-S and adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100993 [Zoning Map - Portion of 222-2nd Street]

Ordinance amending the Zoning Map of the City and County of San Francisco by amending Zoning Map 1HT to change the height and bulk district classification of the west corner (within a rectangular area measuring 45 feet in length along the westernmost portion of the Howard Street frontage, to a depth of 82.5 feet) of the property located at 222-2nd Street (Assessor's Block No. 3735, Lot No. 063) from 150-S to 350-S and adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101229 [Planning Code - Landmark Designation of 1890 Chestnut Street (Marina Branch Library)]

Sponsor: Alioto-Pier

Ordinance designating 1890 Chestnut Street (Marina Branch Library), Lot No. 001 in Assessor's Block No. 0469, as a Landmark under Article 10 of the San Francisco Planning Code; and adopting General Plan, Planning Code Section 101.1 and environmental findings. (Planning Department)

Supervisor Alioto-Pier requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

From the Land Use and Economic Development Committee With Recommendation "Do Not Pass"

101230 [Planning Code - Landmark Designation of 2000 Mason Street (North Beach Branch Library)]

Ordinance designating 2000 Mason Street (North Beach Branch Library), Lot No. 001 in Assessor's Block No. 0074, as a Landmark under Article 10 of the San Francisco Planning Code; and adopting General Plan, Planning Code Section 101.1 and environmental findings. (Planning Department)

PASSED ON FIRST READING. The motion FAILED by the following vote:

Ayes: 1 - Daly

Noes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

There were none.

COMMITTEE REPORTS

From the Rules Committee Without Recommendation

101332 [Reappointment, Treasure Island Development Authority Board of Directors - Claudine Cheng]

Motion approving the Mayor's reappointment of Claudine Cheng to the Treasure Island Development Authority Board of Directors, for the term ending February 26, 2014. (Clerk of the Board)

(Appointments of Directors who are officers of SF or officers of SF Redevelopment Agency are effective immediately unless rejected by two-thirds vote of Board (8 votes) within 30 days written notice (3.100 (17)). Appointments of Directors who are not City officers or officers of SF Redevelopment Agency are effective only upon approval by a majority of the BOS. Transmittal date - October 12, 2010.)

Andrew Shen (Deputy City Attorney) and Starr Terrell (Mayor's Office) responded to questions raised throughout the discussion.

Motion No. M10-162

APPROVED by the following vote:

Ayes: 7 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell

Noes: 4 - Avalos, Campos, Daly, Mirkarimi

101334 [Reappointment, Treasure Island Development Authority Board of Directors - John Elberling]

Motion approving the Mayor's reappointment of John Elberling to the Treasure Island Development Authority Board of Directors, for the term ending April 28, 2014. (Clerk of the Board)

(Appointments of Directors who are officers of SF or officers of SF Redevelopment Agency are effective immediately unless rejected by two-thirds vote of Board (8 votes) within 30 days written notice (3.100 (17)). Appointments of Directors who are not City officers or officers of SF Redevelopment Agency are effective only upon approval by a majority of the BOS. Transmittal date - October 12, 2010.)

Andrew Shen (Deputy City Attorney) and Starr Terrell (Mayor's Office) responded to questions raised throughout the discussion.

Motion No. M10-163

APPROVED by the following vote:

Ayes: 7 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell

Noes: 4 - Avalos, Campos, Daly, Mirkarimi

101336 [Appointment, Treasure Island Development Authority Board of Directors - Linda Richardson]

Motion approving the Mayor's appointment of Linda Richardson to the Treasure Island Development Authority Board of Directors, for the term ending April 28, 2014. (Clerk of the Board)
(Appointments of Directors who are officers of SF or officers of SF Redevelopment Agency are effective immediately unless rejected by two-thirds vote of Board (8 votes) within 30 days written notice (3.100 (17)). Appointments of Directors who are not City officers or officers of SF Redevelopment Agency are effective only upon approval by a majority of the BOS. Transmittal date - October 12, 2010.)

Andrew Shen (Deputy City Attorney) and Starr Terrell (Mayor's Office) responded to questions raised throughout the discussion.

Motion No. M10-164

APPROVED by the following vote:

Ayes: 7 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 4 - Avalos, Campos, Daly, Mirkarimi

101338 [Reappointment, Treasure Island Development Authority Board of Directors - Jean-Paul Samaha]

Motion approving the Mayor's reappointment of Jean-Paul Samaha to the Treasure Island Development Authority Board of Directors, for the term ending February 26, 2014. (Clerk of the Board)
(Appointments of Directors who are officers of SF or officers of SF Redevelopment Agency are effective immediately unless rejected by two-thirds vote of Board (8 votes) within 30 days written notice (3.100 (17)). Appointments of Directors who are not City officers or officers of SF Redevelopment Agency are effective only upon approval by a majority of the BOS. Transmittal date - October 12, 2010.)

Motion No. M10-165

APPROVED by the following vote:

Ayes: 7 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 4 - Avalos, Campos, Daly, Mirkarimi

Recommendation of the Rules Committee

101379 [Appointment, Small Business Commission - Robert Paterson]

Motion rejecting the Mayor's appointment of Robert Paterson to the Small Business Commission, for the term ending January 6, 2014. (Clerk of the Board)
(Charter Section 3.100 (17) provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date - October 14, 2010.)
(Supervisor Alioto-Pier dissented in Committee)

Andrew Shen (Deputy City Attorney) provided an overview of the matter and responded to questions raised throughout the discussion.

TABLED BY OPERATION OF LAW

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Walter Paulson; shared in song certain concerns with the Board.
Ace Washington; shared in song certain concerns with the Board.
Brandon Reedmeir; expressed concerns regarding 701 Lombard Street.
Female Speaker; expressed concerns regarding language discrimination in San Francisco.
John Rowson; expressed concerns regarding medical
Sin Yen Ling; expressed support of the resolution denouncing deportation of Shing Ma "Steve" Li.
Male Speaker; expressed support of the resolution denouncing deportation of Shing Ma "Steve" Li.
Marilyn Luu; expressed support of the resolution denouncing deportation of Shing Ma "Steve" Li.
Felix Cabrera; expressed support of the resolution denouncing deportation of Shing Ma "Steve" Li.
Ai Kim; expressed support of the resolution denouncing deportation of Shing Ma "Steve" Li.
Sang Chi; expressed support of the resolution denouncing deportation of Shing Ma "Steve" Li.
Anoop Prasad; expressed support of the resolution denouncing deportation of Shing Ma "Steve" Li.
Alan Herrera; expressed support of the resolution denouncing deportation of Shing Ma "Steve" Li.
Male Speaker; expressed support of the resolution denouncing deportation of Shing Ma "Steve" Li.
Adriana LaGuerta; expressed support of resolution denouncing deportation of Shing Ma "Steve" Li.
Lisa; expressed support of the proposed resolution urging the passage of the DREAM Act.
Peter Warfield; expressed concerns relating to the SF Public Library.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Mar requested that File No. 101388 be severed so that it may be considered separately.

101388 [Denouncing the Deportation of Shing Ma "Steve" Li and Urging Congress to Pass the DREAM Act]
Sponsors: Mar; Chiu, Avalos, Campos, Mirkarimi and Dufty
Resolution denouncing the deportation of Shing Ma "Steve" Li, a DREAM Act student at City College of San Francisco, calling for Immigration and Customs Enforcement to grant him deferred action status, and urging Congress to pass the DREAM Act.

Supervisor Dufty requested to be added as a co-sponsor.

Resolution No. 537-10

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Avalos requested that File No. 101376 be severed so that it may be considered separately.

101376 [2011 Board of Supervisors Regular Meeting Schedule]

Motion establishing the 2011 Board of Supervisors regular meeting schedule by canceling the Board meetings of January 18, February 22, May 31, July 5, October 11, and November 29; and by further canceling all Board and Committee meetings during the summer and winter breaks from August 10 through September 2, 2011, and December 14 through December 30, 2011. (Clerk of the Board)

Supervisor Avalos, seconded by Supervisor Mar, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Lines 6 and 24, by changing 'August 3' to 'August 10'; after Page 1, Line 18, by adding a Whereas clause stating 'The Board is constrained by certain administrative deadlines in relation to the passing of the 2011-2012 budget and may decide to meet on August 9 solely to consider an override vote should the Mayor veto the annual budget'; and after Page 1, Line 25, by adding a Moved clause stating 'That in the event of a Mayoral veto of the 2011-2012 budget, the Board will conduct a meeting on August 9.'. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Motion establishing the 2011 Board of Supervisors regular meeting schedule by canceling the Board meetings of January 18, February 22, May 31, July 5, October 11, and November 29; and by further canceling all Board and Committee meetings during the summer and winter breaks from August 3 through September 2, 2011, and December 14 through December 30, 2011. (Clerk of the Board)

Motion No. M10-166

APPROVED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Avalos, seconded by Supervisor Campos, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

[Brown Act Finding]
Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Avalos, seconded by Supervisor Campos, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100896 **[Declaring November 9, 2010, as Clinic by the Bay Day]**
Sponsors: Avalos; Dufty, Alioto-Pier, Campos and Mirkarimi
Resolution declaring November 9, 2010, as Clinic by the Bay Day in the City and County of San Francisco.

Supervisor Mirkarimi requested to be added as a co-sponsor.

Resolution No. 529-10

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or Mayor

Ordinances

101120 **[Police Code - Discharge of Firearms; Fireworks]**
Sponsor: Mayor
Ordinance amending the San Francisco Police Code by amending Section 1290 and adding Section 1290.1, to add exceptions to the general prohibition on the discharge of firearms within the City.

11/09/10; ASSIGNED UNDER 30 DAY RULE to Public Safety Committee, expires on 12/9/2010.

101121 [Accept and Expend Grant - FY2010 Regional Catastrophic Preparedness Grant Program and Amend Annual Salary Ordinance, FY2010-2011 - $3,570,000]
Sponsors: Mayor; Alioto-Pier
Ordinance authorizing the Department of Emergency Management, on behalf of the City and County San Francisco, serving as the primary grantee for the Regional Catastrophic Preparedness Grant Program Bay Area Site and as fiscal agent for the Urban Area Security Initiative Approval Authority, to retroactively accept and expend Regional Catastrophic Preparedness Grant Program grant funds in the amount of $3,570,000 from the United States Department of Homeland Security, through the California Emergency Management Agency, and to provide $181,478 as San Francisco's portion of required matching funds; and amending Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect the addition of one grant-funded position (.75 FTE) in Class 5293 Planner IV in the Department of Emergency Management.

11/09/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101122 [Accept and Expend Grant - FY2010 Urban Areas Security Initiative Grant and Amend Annual Salary Ordinance, FY2010-2011 - $34,262,131]
Sponsors: Mayor; Alioto-Pier
Ordinance authorizing the Department of Emergency Management, on behalf of the City and County San Francisco, as the primary grantee for the combined Bay Area Urban Area and as the fiscal agent for the UASI Approval Authority, to retroactively accept and expend an Urban Areas Security Initiative grant in the amount of $34,262,131 from the United States Department of Homeland Security, through the California Emergency Management Agency; and amending Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect the addition of two grant-funded positions in the Department of Emergency Management, as follows: one position (.75 FTE) in Class 1823 Senior Administrative Analyst and one position (.75 FTE) in Class 1824 Principal Administrative Analyst.

11/09/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101124 [Appropriating $477,732 of Certificate of Participation Proceeds for Disability Access Improvement Projects in the Mayor's Office on Disability for FY2010-2011]
Sponsor: Mayor
Ordinance appropriating $477,732 of Certificate of Participation Series 2011A proceeds to fund disability access improvements in the Board of Supervisors chambers for the Mayor's Office on Disability in the General Services Agency, Administrative Services, for FY2010-2011 and placing these funds on Controller's reserve pending issuance of the Certificate of Participation. (Fiscal Impact.)

11/09/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101147 [Public Works Code - Establishment of Regulatory Controls for the Discharge of Fats, Oils, and Grease Into Sewers]
Sponsor: Mar
Ordinance amending Article 4.1 of the San Francisco Public Works Code by adding Sections 140 - 140.7 to provide prohibitions, limitations, and requirements for the discharge of fats, oils, and grease into the City's sewerage system by food service establishments.

11/09/10; ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 12/9/2010.

101148 [Visitacion Valley Infrastructure Fee Revenue Appropriation - Public Library and Department of Public Works for FY2010-2011- $2,385,068]
Sponsor: Maxwell
Ordinance appropriating $2,385,068 of Visitacion Valley Infrastructure Fee revenue from the Visitacion Valley Infrastructure Fund, including $2,169,200 in the Public Library for the Visitacion Valley Branch Library Project and $215,868 in the Department of Public Works, for the planning and design of utility undergrounding on Leland Avenue for FY2010-2011, and placing $1,156,304 on Controller's reserve in the Public Library pending receipt of Visitacion Valley Infrastructure Fee revenue.
(Fiscal Impact.)

11/09/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101190 [Police Code - Registration and Other Requirements for Event Promoters]
Sponsors: Chiu; Maxwell
Ordinance adding Article 15.7 to the San Francisco Police Code, requiring event promoters to register with the Entertainment Commission; prohibiting holders of certain entertainment-related permits, and registered promoters, from retaining an unregistered promoter to hold an event; and authorizing under certain circumstances for certain promoters reporting requirements, increased security plan requirements for events they promote, general liability insurance requirements, a criminal background check requirement, and other requirements.

09/22/10; ASSIGNED UNDER 30 DAY RULE to Public Safety Committee, expires on 10/21/2010.

11/09/10; SUBSTITUTED AND ASSIGNED to Public Safety Committee.

Resolutions

100896 [Declaring November 9, 2010, as Clinic by the Bay Day]
Sponsors: Avalos; Dufty, Alioto-Pier, Campos and Mirkarimi
Resolution declaring November 9, 2010, as Clinic by the Bay Day in the City and County of San Francisco.

11/09/10; ADOPTED.

101125 [Golden Gate Park Music Concourse Garage Refinance]
Sponsor: Mar
Resolution concurring in the recommendation of the Controller and the Director of the Office of Public Finance that the issuance of $30,000,000 tax-exempt bank qualified bonds with First Republic Bank for and on behalf of the Music Concourse Community Partnership, a California nonprofit public benefit corporation, is reasonably prudent; and directing the Controller and the Director of the Office of Public Finance to do everything necessary and desirable to provide for the issuance of such bonds.

11/09/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101259 [34th America's Cup Host City Agreement and Finding of Fiscal Feasibility]
Sponsors: Mayor; Chiu, Mirkarimi, Alioto-Pier, Chu, Dufty and Maxwell
Resolution approving a Host City and Venue Agreement among the City, the America's Cup Event Authority and the San Francisco America's Cup Organizing Committee; authorizing the Mayor, or his designee, and the Port to execute the Host City and Venue Agreement; authorizing and urging the Mayor, Office of Economic and Workforce Development, Port, and such other City Officials as appropriate, to take such steps and execute such additional agreements as are consistent with the Host City and Venue Agreement and this Resolution to bring the 34th America's Cup to the San Francisco Bay; and finding that the proposed event is fiscally feasible as set forth in Administrative Code Chapter 29.
Economic Impact

11/09/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101265 [Accept and Expend Grant - CalHome - Not to Exceed $1,500,000]
Sponsor: Mayor
Resolution authorizing the Mayor of the City and County of San Francisco to accept and expend a grant from the California Department of Housing and Community Development in a total amount not to exceed $1,500,000 to assist low-income first time homebuyers and low-income homeowners.

11/09/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101299 [Accept and Expend Grant - Installation of Art at the Civic Center Plaza - $70,000]
Sponsor: Mayor
Resolution authorizing the San Francisco Arts Commission to retroactively accept and expend a grant in the amount of $70,000 from the National Endowment for the Arts for the installation of Zhang Huan's Three Heads, Six Arms at the Civic Center Plaza.

11/09/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

101398 [Accept and Expend Grant - Project ITRIP - $42,384]
Sponsor: Chu
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $42,384 from the University of California, San Francisco (UCSF), to fund the project ITRIP Follow Up; for the period of September 1, 2010, through February 28, 2011, waiving indirect costs. (Public Health Department)

11/09/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101399 [Accept and Expend Grant - WritersCorps Program - $10,200]
Sponsors: Chu; Dufty
Resolution authorizing the San Francisco Arts Commission to retroactively accept and expend a grant in the amount of $10,200 from the California Arts Council's Artists in Schools Program to help support the cost of a WritersCorps contracted teaching artist at Mission High School in San Francisco. (Arts Commission)

11/09/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101400 [Accept and Expend Grant - Arts Commission's Art Education Program - $15,000]
Sponsor: Chu
Resolution authorizing the San Francisco Arts Commission to retroactively accept and expend a grant in the amount of $15,000 from the California Art Council to help support the Arts Commission's Arts Education Program. (Arts Commission)

11/09/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101401 [Supporting the Promotion and Deployment of Broadband Internet Access in California and San Francisco]
Sponsor: Chiu
Resolution joining with 31 California counties in supporting the work of the California Emerging Technology Fund's Get Connected! public awareness program; embracing the California Emerging Technology Fund's goal to achieve broadband Internet access at home for 80% of all Californians by 2015; embracing a goal to achieve broadband Internet access for 90% of San Franciscans by 2015, with a focus on connecting seniors and low income households; requesting that the Department of Technology report back on strategic actions planned that will remove barriers and promote the deployment and adoption of broadband.

11/09/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101402 [Declaring November 18, 2010, as Bay Area Young Positives Day]
Sponsors: Dufty; Campos
Resolution declaring November 18, 2010, as Bay Area Young Positives Day to recognize 20 years of providing peer-based, specialized, culturally competent services to the San Francisco Bay Area's HIV positive youth.

11/09/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101403 [Declaring December 9, 2010, as CHEER SF Day in San Francisco]
Sponsors: Dufty; Campos
Resolution declaring December 9, 2010, as CHEER SF Day in San Francisco to commemorate the 30th Anniversary of the world's first LGBT-identified cheerleading team that raises funds for local, national, and international service agencies.

11/09/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Motions

101139 [Process for Nominating and Selecting a Successor Mayor]
Sponsor: Chiu
Motion directing the Clerk of the Board of Supervisors to propose a process for nominating and selecting a successor to the Mayor.

11/09/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101404 [Committee of the Whole – Public Hearing to Take Public Input and Discuss the Process to Appoint a Successor Mayor]
Sponsor: Avalos
Motion that the Board convene as a Committee of the Whole on November 16, 2010, to consider the appointment of successor Mayor for the City and County of San Francisco.
11/09/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101406 [Appointing a Successor Mayor]
Sponsors: Avalos; Campos and Daly
Motion to take nominations and appoint a successor Mayor in the event of a vacancy in the Office of the Mayor.
11/09/10; ASSIGNED to Board of Supervisors.

Hearings

100908 [San Francisco International Airport - Operational Procedures of Shared-Ride Ground Transportation Industry]
Sponsor: Mar
Hearing on the operational procedures of the shared-ride ground transportation industry at San Francisco International Airport.
11/09/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101052 [Implementation of Justice Tracking Information System Project to Consolidate the City's Criminal Justice Data]
Sponsor: Chiu
Hearing on the status of the implementation of JUSTIS, a project to consolidate the City's criminal justice data.
11/09/10; RECEIVED AND ASSIGNED to Public Safety Committee.

101389 [Utility Infrastructure Safety Review]
Sponsors: Maxwell; Chu, Mar, Dufty and Mirkarimi
Hearing on the intitial report regarding the Utility Infrastructure Safety Review per Resolution No. 442-10, on file with the Clerk of the Board of Supervisors in Board File No. 101168.
11/09/10; RECEIVED AND ASSIGNED to Public Safety Committee.

101405 [Public Hearing - Take Public Input and Discuss the Process to Appoint a Successor Mayor]
Sponsors: Avalos; Campos and Daly
Hearing to take public input and discuss the process by which the Board of Supervisors may exercise its exclusive jurisdiction under the Charter to appoint a successor Mayor for the City and County of San Francisco.
11/09/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

PROPOSED ORDINANCES

101381 [Settlement of Lawsuit - Allison Ayer - $30,000]
Ordinance authorizing settlement of the lawsuit filed by Allison Ayer against the City and County of San Francisco for $30,000; the lawsuit was filed on January 28, 2010, in San Francisco Superior Court, Case No. CGC-10-496373; entitled Allison Ayer v. City and County of San Francisco, et al. (City Attorney)

10/27/10; RECEIVED AND ASSIGNED to Rules Committee.

101382 [Settlement of Lawsuit - Charles Haynes - $50,000]
Ordinance authorizing settlement of the lawsuit filed by Charles Haynes against the City and County of San Francisco for $50,000; the lawsuit was filed on January 23, 2009, in the United States District Court, Northern District of California, Case No. C09-00174 PJH; entitled Charles Haynes, et al. v. City and County of San Francisco, et al. (City Attorney)

10/27/10; RECEIVED AND ASSIGNED to Rules Committee.

101383 [Settlement of Lawsuit - Guillermo Chavez - $30,000]
Ordinance authorizing settlement of the lawsuit filed by Guillermo Chavez against the City and County of San Francisco for $30,000; the lawsuit was filed on October 2, 2009, in San Francisco Superior Court, Case No. 439-130; entitled Guillermo Chavez v. City and County of San Francisco, et al.; other material terms of said settlement are: 1) $10,000 to be paid to the San Francisco Tax Collector's Bureau of Delinquent Revenue to satisfy the medical lien for treatment in this case; 2) $11,555 to be allocated to attorney's fees and litigation costs; 3) the balance of $8,445 is to be paid to the Bureau of Delinquent Revenue to pay down money owed by plaintiff to the City for medical treatment unrelated to the injuries in the lawsuit. (City Attorney)

10/27/10; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

101331 [Prevailing Wage Rates - Various Workers Performing Work Under City Contracts]
Resolution fixing prevailing wage rates for: (1) workers performing work under City contracts for public work and improvement; (2) workers performing work under City contracts for janitorial services; (3) workers performing work in public off-street parking lots, garages, or storage facilities for automobiles on property owned or leased by the City; (4) workers engaged in theatrical or technical services for shows on property owned by the City; (5) workers performing moving services under City contracts at facilities owned or leased by the City; and (6) workers engaged in the hauling of solid waste generated by the City in the course of City operations, pursuant to a contract with the City. (City Attorney)

10/28/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101374 [Purchase Agreement - Subsurface Easements - Bay Division Pipeline Reliability Upgrade Project - Bay Tunnel - $650]

Resolution approving and authorizing an Agreement for Purchase and Sale of Real Estate to obtain two permanent, exclusive, subsurface easements from Cargill, Inc., for the purpose of constructing the San Francisco Public Utilities (SF PUC) Commission Water System Improvement Program-Funded Project No. CUW36801, Bay Division Pipeline Reliability Upgrade - Bay Tunnel, for a purchase price of $650; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; adopting findings of consistency with City Planning Code Section 101.1; and authorizing the General Manager of SFPUC to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

11/01/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101375 [Construction Management Services Agreement - San Francisco General Hospital Rebuild Program - Not to Exceed $16,400,000]

Resolution authorizing the Director of Public Works to execute an amendment to a professional construction management services agreement for the San Francisco General Hospital Rebuild Program from $8,000,000 to $16,400,000. (Public Works Department)
(Fiscal Impact.)

11/01/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101384 [Settlement of Unlitigated Claim - Motorist Insurance Group and Ellis Brooks Chevrolet - $48,969.70]

Resolution approving the settlement of the unlitigated claim filed by Motorist Insurance Group and Ellis Brooks Chevrolet against the City and County of San Francisco for $48,969.70; claim was filed on May 4, 2010. (City Attorney)

10/27/10; RECEIVED AND ASSIGNED to Rules Committee.

Requests Granted

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from newsstands at the following locations:

San Francisco Bay Guardian
Southeast corner of Fillmore and Post
Southwest corner of Divisadero and Sutter
9th Avenue and Judah (near bus stops)
7th Avenue and Irving (near bus stops)
Northwest corner of Hayes and Fillmore
Southeast corner of Fillmore and Haight

San Francisco Chronicle
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore
Irving and 9th Avenue
Irving and 7th Avenue
Southwest corner of Haight and Clayton
Southeast corner of Haight and Masonic

Examiner
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore

SF Daily
Northwest corner of Hayes and Gough

City Star
Northwest corner of Hayes and Gough
Southeast corner of Fillmore and Haight

SF Weekly
Southeast corner of Masonic and Haight
Southeast corner of Haight and Fillmore

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the public property located at the following locations:

Utility Boxes
In front of 1697 McAllister
Northeast corner of Linden & Buchanan

Bus Shelters
Southwest corner of Buchanan & Haight
Southeast corner of Pierce & Hayes
Southeast corner of Hayes & Divisadero
Fillmore and Haight (all 4 bus stops including canopies – graffiti and grime).

Fire Hydrants
Southwest corner of Baker & Oak

In front of 1390 Fell
Northwest corner of Octavia & Grove

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations:

Metal Poles
In front of 101 Scott
In front of 1146 Haight
In front of 522 Haight
In front of 357 Haight
In front of 1296 Haight
In front of 1359 Oak
Southwest corner of Oak & Baker
In front of 900 Broderick

Wood Pole
Northeast corner of Octavia & Grove

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti at the following private property locations:

686 Waller
888 Waller
542 Haight
546 Haight
75 Buena Vista East
1166 Haight
1230 Haight
1296 Haight
156 Central
1473 Oak
1441 Oak
1427 Oak
1419 Oak
1407 Oak
1369 Oak
1353 Oak
1343 Oak
709 Baker
1980 Golden Gate
1998 Golden Gate
320 Masonic
900 Broderick
1379 Hayes
1359 Hayes
1337 Hayes
1259 Hayes
1245 Hayes
1235 Hayes
1133 Hayes
428 Grove
502 Grove

522 Laguna
350 Laguna
198 Haight (on back of Rose)

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of repairing potholes at the following locations:

Potholes, Lights, and Sidewalk Issues
On Webster & Grove, west side of street in the intersection

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:

Garbage Can
Southeast corner of Fell & Fillmore

Mailboxes
Southeast corner of Haight near Fillmore
Southwest corner of Hayes & Fillmore
In front of 579 Hayes
On Baker, between Oak &Fell by DMV

Street Wall and Overpass
At 1145 Hayes, street-car railing

In Memoriams

Dodie Rosekrans – Supervisor Alioto-Pier
Eugene Jules Marty, Jr. – Supervisor Chu
Kate Horan – Supervisor Chiu
Jelvon Helton – Supervisor Mirkarimi
Kum Soon Lee - Supervisor Mirkarimi
Frank Ortiz Cercos – Supervisor Dufty
Philip Robertson – Supervisor Dufty
Joyce Taylor- Supervisors Dufty and Maxwell
Michael C. Wolford – Supervisor Dufty
Chief Alex Fagen, Sr. – Entire Board
Patrick Hugh Cunnie – Entire Board
Norma Garcia – Entire Board

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:43 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on December 14, 2010.

Angela Calvillo, Clerk of the Board

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

GOVERNMENT
DOCUMENTS DEPT

DEC 16 2011

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Tuesday, November 16, 2010 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Elsbernd	Wednesday 11:00 AM
City and School District Select Committee Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, Avalos, Dufty	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mar, Chu, Maxwell	2nd and 4th Thursday 10:30 AM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Elsbernd	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Alioto-Pier, Mar	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:18 p.m. On the call of the roll, Supervisor Elsbernd was noted absent. There was a quorum.

AGENDA CHANGES

There were none.

COMMUNICATIONS

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of correspondence from the Mayor communicating the Mayor's Veto of legislation contained in File No. 101096, which proposes a prohibition on the inclusion of incentives, such as toys, in certain fast food meals generally marketed to children.

Supervisor Mar, seconded by Supervisor Mirkarimi, moved to direct the Clerk of the Board to agendize this matter at the Regular Meeting of November 23, 2010. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 1 - Elsbernd

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

President, David Chiu, inquired if the Mayor would make an appearance before the Board of Supervisors. Starr Terrell, the Mayor's Liaison to the Board of Supervisors, indicated the Mayor would not be present.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

101099 [Business and Tax Regulations Code - Common Administrative Provisions; Parking Tax; Business Registration]
Sponsors: Mirkarimi; Dufty
Ordinance amending the San Francisco Business and Tax Regulations Code by: (1) amending Article 6 (Common Administrative Provisions) to revise provisions relating to: certificates of authority to collect third-party taxes; prepayment and remittance requirements for hotel and parking operators; enforcement procedures and penalties; and to otherwise clarify and update the provisions of Article 6; (2) amending Article 9 (Tax on Occupancy of Parking Space in Parking Stations), Article 10 (Utility Users Tax), and Article 12 (Business Registration), to lengthen the time period that service suppliers must preserve records from 4 years to 5 years and to extend the payment date of the registration certificate; (3) repealing Sections 608 through 608.8 of Article 9 (Tax on Occupancy of Parking Space in Parking Stations); and (4) amending the San Francisco Administrative Code by amending Article XIII (Funds), Chapter 10 (Finance, Taxation, and Other Fiscal Matters), to correct references to the California Government Code.

Ordinance No. 291-10

FINALLY PASSED

101100 [Business and Tax Regulations Code - Adding to the Definition of "Control," Revising the Enforcement Authority, and Making Other Nonsubstantive Changes]
Sponsors: Mirkarimi; Dufty
Ordinance amending Article 22 of the Business and Tax Regulations Code by amending Sections 2201 through 2210, 2215, 2216, 2218, 2220, 2225, 2226, 2229, 2230, 2232, and 2233 and repealing Sections 2217, 2223, 2224, and 2237, to establish a presumption that certain operators, signatories and owners control the business affairs of the parking station, revise the Enforcing Agency's authority to permit the use of all authority granted by law and by Article 6 of this Code, and make other nonsubstantive changes.

Ordinance No. 292-10

FINALLY PASSED

101306 [Purchase Agreement - Permanent Access Road Easement - Parcel Nos. 016-002-011 and 016-002-012 - Stanislaus County - $500]
Resolution approving and authorizing an agreement for the purchase of a permanent access road easement totaling 751 square feet over a portion of Assessor's Parcel Nos. 016-002-011 and 016-002-012 located in Stanislaus County, required for the San Joaquin Pipeline System Project No. CUW37301 for a purchase price of $500; adopting findings under the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

Resolution No. 539-10

ADOPTED

101307 [Purchase Agreement - Permanent Access Road Easement - Parcel No. 016-002-048 - Stanislaus County - $2,500]

Resolution approving and authorizing an agreement for the purchase of a permanent access road easement totaling 398 square feet over a portion of Assessor's Parcel No. 016-002-048 located in Stanislaus County, required for the San Joaquin Pipeline System Project No. CUW37301, for a purchase price of $2,500; adopting findings under the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

Resolution No. 540-10

ADOPTED

Recommendations of the City Operations and Neighborhood Services Committee

101314 [Accept and Expend Grant - Environmental Assessment Heat Wave and Air Quality Project - $106,526]

Sponsor: Chu

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the Centers for Disease Control and Prevention in the amount of $106,526 to fund the Environmental Health Assessment of Vulnerability to Heat Wave and Air Quality Project for the period September 1, 2010, through August 30, 2011.

Resolution No. 541-10

ADOPTED

101315 [Accept and Expend Grant - 2010 County Coverage Expansion Planning Project - $225,000]

Sponsor: Dufty

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $225,000 from the Blue Shield of California Foundation to fund the 2010 County Coverage Expansion Planning Project for the period of September 1, 2010, through August 31, 2011.

Resolution No. 542-10

ADOPTED

101360 [Accept and Expend Grant - HIV Testing Disproportionately Affected Populations - $877,273]

Sponsor: Dufty

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $877,273 from the Centers for Disease Control to fund the project Expanded HIV Testing for Disproportionately Affected Populations for the period of September 30, 2010, through September 29, 2011, waiving indirect costs.

Resolution No. 543-10

ADOPTED

101362 [Accept and Expend Gift - Joseph Lee Recreation Center - $162,063]
Sponsor: Maxwell
Resolution authorizing the Recreation and Park Department to accept and expend a gift from the John and Lisa Pritzker Family Fund for $54,021 annually for FYs 2010-2011, 2011-2012, and 2012-2013, for a total of $162,063, for general operating support of Joseph Lee Recreation Center.

Resolution No. 544-10

ADOPTED

Recommendation of the Government Audit and Oversight Committee

101155 [Administrative Code - Open Data Policy]
Sponsor: Mayor
Ordinance amending the San Francisco Administrative Code to add Section 22D to establish the City's Open Data Policy and require City departments to make appropriate data available to the public.

Ordinance No. 293-10

FINALLY PASSED

Recommendations of the Land Use and Economic Development Committee

100992 [General Plan - Portion of 222-2nd Street]
Ordinance amending the General Plan of the City and County of San Francisco by amending Map 5 (Proposed Height and Bulk Districts) of the Downtown Area Plan to change the height and bulk classification of the west corner (within a rectangular area measuring 45 feet in length along the westernmost portion of the Howard Street frontage, to a depth of 82.5 feet) of the property located at 222-2nd Street (Assessor's Block No. 3735, Lot No. 063) from 150-S to 350-S and adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Department)

Ordinance No. 288-10

FINALLY PASSED

100993 [Zoning Map - Portion of 222-2nd Street]
Ordinance amending the Zoning Map of the City and County of San Francisco by amending Zoning Map 1HT to change the height and bulk district classification of the west corner (within a rectangular area measuring 45 feet in length along the westernmost portion of the Howard Street frontage, to a depth of 82.5 feet) of the property located at 222-2nd Street (Assessor's Block No. 3735, Lot No. 063) from 150-S to 350-S and adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Department)

Ordinance No. 289-10

FINALLY PASSED

101229 [Planning Code - Landmark Designation of 1890 Chestnut Street (Marina Branch Library)]

Sponsor: Alioto-Pier

Ordinance designating 1890 Chestnut Street (Marina Branch Library), Lot No. 001 in Assessor's Block No. 0469, as a Landmark under Article 10 of the San Francisco Planning Code; and adopting General Plan, Planning Code Section 101.1 and environmental findings. (Planning Department)

Ordinance No. 294-10

FINALLY PASSED

101227 [Street Artist Spaces - 17th Street at Castro and Market Streets]

Resolution approving continued designation of eight (8) former temporary selling spaces in "mini-plaza" on 17th Street at Castro and Market Streets for street artists certified by the Arts Commission, City and County of San Francisco; exempting said spaces from the regulation of Police Code Section 2405(c)(11) relating to distance between street artists. (Arts Commission)

Resolution No. 545-10

ADOPTED

101304 [Crystal Springs Pipeline Number Two Replacement Project Findings]

Resolution adopting findings under the California Environmental Quality Act, including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the Crystal Springs Pipeline Number 2 Replacement Project No. CUW37801, part of the Water System Improvement Program for the improvements to the regional water supply system, and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

Resolution No. 546-10

ADOPTED

101305 [Lower Crystal Springs Dam Improvements Project Findings]

Resolution adopting findings under the California Environmental Quality Act, including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the Lower Crystal Springs Dam Improvements Project No. CUW35401, including the Mitigation Habitat Actions at ten sites mostly in San Mateo County, and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

Resolution No. 547-10

ADOPTED

Recommendations of the Rules Committee

101288 [Settlement of Lawsuit - Cheryl Austin - $268,452]

Ordinance authorizing settlement of the lawsuit filed by Cheryl Austin against the City and County of San Francisco for $268,452, inclusive of attorneys' fees and costs; the lawsuit was filed on March 25, 2010, in San Francisco Superior Court, Case No. CGC 10-498110; entitled Cheryl Austin v. City and County of San Francisco. (City Attorney)

PASSED, ON FIRST READING

101289 [Settlement of Lawsuit - Nyree Monroe - Up to $31,000]
Ordinance authorizing settlement of the lawsuit filed by Nyree Monroe against the City and County of San Francisco for up to $31,000; the lawsuit was filed on March 25, 2010, in San Francisco Superior Court, Case No. CGC 10-498109; entitled Nyree Monroe v. City and County of San Francisco; other material terms of said settlement are reinstatement. (City Attorney)

PASSED, ON FIRST READING

101290 [Settlement of Lawsuit - Edward Kriete - $575,000]
Ordinance authorizing settlement of the lawsuit filed by Edward Kriete against the City and County of San Francisco for $575,000; the lawsuit was filed on April 17, 2009, in the San Francisco Superior Court, Case No. CGC 09-487483; entitled Edward Kriete v. City and County of San Francisco. (City Attorney)

PASSED, ON FIRST READING

101303 [Settlement of Lawsuit - Viz Media, LLC - $219,000]
Ordinance authorizing settlement of the lawsuit filed by Viz Media, LLC, against the City and County of San Francisco for $219,000; the lawsuit was filed on August 10, 2010, in San Francisco Superior Court, Case No. CGC-10-502460; entitled Viz Media, LLC, v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

101340 [Settlement of Lawsuit - Regal Stone, Ltd. - City to Receive $3,717,096.52]
Ordinance authorizing settlement of the lawsuit filed by City and County of San Francisco against Regal Stone, Ltd, et al. for the sum of $3,717,096.52, including previous initial payment of $2,000,000; the lawsuit was filed on December 10, 2007, in San Francisco Superior Court, Case No. CGC-07-469876 (transferred to Monterey County Superior Court, Case No. M98173); entitled City and County of San Francisco, et al., v. Regal Stone, Ltd., et al. (City Attorney)

PASSED, ON FIRST READING

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 1 - Elsbernd

REGULAR AGENDA

UNFINISHED BUSINESS

From the Board

100889 [Adopting Findings Related to the Conditional Use Appeal on Property Located at 1268 Grant Street]

Motion adopting findings related to the appeal of a decision of the Planning Commission, Motion No. 18160, approving Conditional Use Application 2010.0438C on property located at 1268 Grant Street. (Clerk of the Board)

Motion No. M10-167

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 1 - Elsbernd

Recommendation of the Government Audit and Oversight Committee

101157 [Administrative Code - Updating Provisions Consistent with State and Local Law and Related Clean-Up Provisions on Employee Relations]

Sponsor: Mayor

Ordinance amending Section 16.200 through Section 16.222 of the San Francisco Administrative Code regarding Employee Relations to update provisions consistent with state and local law and related clean-up provisions.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 1 - Elsbernd

Recommendation of the Public Safety Committee

101062 [Health Code - Updating Enforcement and Compliance Procedures for Nuisance]
Sponsors: Avalos; Campos

Ordinance amending the San Francisco Health Code Articles 6 and 11 by amending Sections 580, 581, 596, 599, and 600, and adding Sections 292.5, 596.5, 602.3, and 610 to: 1) add requirements for refuse collection and storage in multi-story residential facilities; 2) update nuisance definitions; 3) add potential attorneys' fees recovery for the prevailing party in those cases which the City elects to recover attorneys' fees; 4) require owners of rental property to provide contact information to the Department; 5) add civil penalties; and 6) expand administrative penalties and procedures. (Supervisor Elsbernd dissented in Committee.)

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 1 - Elsbernd

Ordinance amending San Francisco Health Code Article 11 by amending Sections 580, 581, 596, 599, and 600, and adding Sections 596.5, and 610 to: 1) update nuisance definitions; 2) add potential attorneys' fees recovery for the prevailing party in those cases which the City elects to recover attorneys' fees; 3) add civil penalties; and 4) expand administrative penalties and procedures.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 1 - Elsbernd

NEW BUSINESS

Recommendations of the Budget and Finance Committee

101271 [Appropriating $9,035,065 of Certificate of Participation Expenses for Capital Improvement Projects in the Department of Public Works and Mayor's Office on Disability for FY2010-2011]
Sponsor: Mayor

Ordinance appropriating $9,035,065 of Certificate of Participation Series 2011A Delivery Date Expenses to fund multiple Capital Improvement Projects in the Department of Public Works and Mayor's Office on Disability in the General Services Agency - Office of the City Administrator for FY2010-2011, and placing these funds on Controller's reserve pending issuance of the Certificates of Participation.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 1 - Elsbernd

091106 [Approval of a Historical Property Contract for 1818 California Street (Lilienthal-Orville Pratt House)]

Sponsor: Alioto-Pier

Resolution under Chapter 71 of the San Francisco Administrative Code, approving a historical property contract between Nakamura FLP, the owner of 1818 California Street (Lilienthal-Orville Pratt House), and the City and County of San Francisco; authorizing the Director of Planning and the Assessor to execute the historical property contract.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Resolution be CONTINUED to November 23, 2010. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Daly

101294 [Professional Services Agreement - FSP PPM Management, LLC - Curbside Management Program - Not to Exceed $10,450,000]

Resolution approving the Professional Services Agreement, Airport Contract 8994 - to manage and staff the Curbside Management Program between FSP PPM Management, LLC, and the City and County of San Francisco, acting by and through its Airport Commission, in an amount not to exceed $10,450,000, pursuant to San Francisco Charter Section 9.118(b). (Airport Commission)

Supervisor Avalos, seconded by Supervisor Mar, moved that this Resolution be AMENDED on Page 2, Lines 16-17, by deleting ', with an anticipated total contract value not-to-exceed $26,000,000,'. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 1 - Elsbernd

Resolution No. 548-10

ADOPTED AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 1 - Elsbernd

101301 [Approval of Contract - AnsaldoBreda, Inc. - Repair of Damaged LRVs - Not to Exceed $32,854,622]

Resolution approving Contract No. CPT 626.02, repair of damaged light rail vehicles, between the City and County of San Francisco, through the San Francisco Municipal Transportation Agency, and AnsaldoBreda, Inc., to rebuild up to seven damaged light rail vehicles, in an amount not to exceed $32,854,622, and for a term not to exceed six years, with expenditures limited to $13,000,000 pending certification of additional funding. (Municipal Transportation Agency) (Fiscal Impact.)

Resolution No. 549-10

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 1 - Elsbernd

101359 [Annual Report - Greater Union Square Business Improvement District and Modifying Management District Plan]
Sponsor: Chiu
Resolution regarding Greater Union Square Business Improvement District, receiving and approving the District's Annual Report for FY2009-2010 as submitted pursuant to Section 36650 of the Property and Business Improvement District Law of 1994 (California Streets and Highways Code §§36600 et seq.) and Section 3.4 of the District's Management Agreement with the City, which includes the District's proposed budget for FY2010-2011; modifying the Management District Plan in accordance with the Annual Report; and conforming the Management Agreement to changes in the Management District Plan.

Resolution No. 550-10

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 1 - Elsbernd

Recommendations of the City Operations and Neighborhood Services Committee

Supervisor Elsbernd was noted present at 2:28 p.m.

101351 [Planning Code - Zoning - Temporary Uses and Mobile Food Facilities]
Sponsor: Dufty
Ordinance amending the San Francisco Planning Code by adding Section 102.31 to define a Mobile Food Facility, amending Section 205 and adding Section 205.4 to establish a new category of temporary uses, and amending Sections 212, 790.91, 790.93 and 890.90 to clarify that Mobile Food Facilities need not be conducted within enclosed buildings; adopting findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101352 [Various Codes - Mobile Food Facilities - Department of Public Works Permitting Authority]
Sponsor: Dufty
Ordinance amending the San Francisco Police Code and San Francisco Public Works Code by repealing Articles 17.2 (Regulations for Mobile Caterers; Permit and License Provisions) and 17.3 (Permit Regulations for Pushcart Peddlers), transferring the regulations to a new Article 5.8 of the Public Works Code commencing with Section 184.80, redefining Mobile Caterers and Pushcart Peddlers as Mobile Food Facilities; making other amendments to implement the transfer, including new fee and penalty provisions and new notice and hearing procedures; amending Sections 440 and 451 of the San Francisco Health Code and repealing Section 249, amending Section 249.1, and adding Section 249.23 to the San Francisco Business and Tax Regulations Code to update definitions and add annual fees and plan check fees for Mobile Food Facilities; and adopting environmental findings.

Supervisor Dufty, seconded by Supervisor Campos, moved that this Ordinance be AMENDED on Page 10, Lines 2-3, by deleting 'License' and adding 'Registration Certficiate from the Office of the Treasurer and Tax Collector,'. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mirkarimi, seconded by Supervisor Dufty, moved that this Ordinance be AMENDED on Page 2, Lines 19-20, by adding 'or trailer that is transported by a motorized vehicle' after 'vehicle'; on Page 3, Lines 6-7, by adding 'that is transported by human power' after 'device'; on Page 11, Lines 12-13, by inserting the new line '4) The Department shall maintain a Mobile Food Facility page on its website detailing all issued and pending permits.'; and on Page 11, Lines 23-24, by adding 'and on the Mobile Food Facility page on the Department's website.' after 'San Francisco'. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

101079 [Administrative Code - Water Efficient Irrigation]
Sponsors: Mayor; Maxwell and Mar
Ordinance amending the San Francisco Administrative Code by repealing Chapter 63 in its entirety and adding a new Chapter 63, requiring the development and maintenance of landscape irrigation controls for specified new construction landscapes and landscape rehabilitation projects.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Elsbernd

100765 [Support for the Preservation and Restoration of Sacred Heart Church]
Sponsor: Mirkarimi
Resolution pronouncing the support of the City of San Francisco for the preservation and restoration all historic features recently removed and sold from Sacred Heart Church, urging the Department of Building Inspection to investigate and publically report on violations of the Building and Planning Codes due to the removal of these historic features, and requesting the City Attorney to investigate, publically report on, and take legal action to remedy such violations of the Building and Planning Codes and all violations of other laws, including historic preservation laws. (Supervisor Maxwell dissented in committee.)

Privilege of the floor was granted to Tara Sullivan (Planning Department) and Ed Sweeney (Department of Building Inspection) who responded to questions raised throughout the discussion regarding File No. 100765.

Resolution No. 538-10

ADOPTED by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi
Noes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell

Recommendation of the Rules Committee

101220 [Appointment, San Francisco Public Utilities Commission - Art Torres]
Motion confirming the Mayor's appointment of Art Torres to the San Francisco Public Utilities Commission, Seat 2, for the term ending August 1, 2014. (Clerk of the Board)

Motion No. M10-168

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

From the Rules Committee Without Recommendation

101347 [Confirming Appointments, Treasure Island Development Authority Board of Directors - Larry Del Carlo and Larry Mazzola, Jr.]
Sponsor: Mayor
Motion confirming the appointments of Larry Del Carlo to succeed John Rahaim; term ending February 26, 2013; and Larry Mazzola, Jr. to succeed Owen Stephens, term ending April 28, 2014, to the Treasure Island Development Authority Board of Directors.

Supervisor Campos, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED to December 7, 2010. The motion FAILED by the following vote:

Ayes: 4 - Avalos, Campos, Daly, Mirkarimi
Noes: 7 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell

Motion No. M10-169

APPROVED by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 2 - Avalos, Daly

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

101354 [Public Hearing - Resolution to Establish the Ocean Avenue Community Benefits District]
Sponsor: Avalos
Hearing of persons interested in or objecting to proposed Resolution establishing a property-based business improvement district to be known as the "Ocean Avenue Community Benefits District," ordering the levy and collection of assessments against property located in that district for fifteen years commencing with FY2010-2011, subject to conditions as specified, and making environmental findings.

The President inquired as to whether any member of the public wished to address the Board relating to the proposed Resolution. Dahlisa Winburn; Female Speaker; Joanne Trackwatson; Dan Weaver; Al Harris; Howard Chung; Henry Cavain; spoke in support of the proposed Resolution. Diane Goodman; Nilka Rose; spoke in opposition to the proposed Resolution. There were no other speakers. The President continued the public hearing open to December 14, 2010.

Supervisor Avalos, seconded by Supervisor Maxwell, moved that this Hearing be CONTINUED to December 14, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Committee of the Whole Adjourn and Report

101355 [Resolution to Establish the Ocean Avenue Community Benefits District]
Sponsor: Avalos
Resolution establishing a property-based business improvement district to be known as the "Ocean Avenue Community Benefits District," ordering the levy and collection of assessments against property located in that district for fifteen years commencing with FY2010-2011, subject to conditions as specified, and making environmental findings.

Supervisor Avalos, seconded by Supervisor Maxwell, moved that this Resolution be CONTINUED to December 14, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guest. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Alioto-Pier introduced, welcomed, and presented a Certificate of Honor to Miss Tilly Abbe in recognition of her accomplishments as a ballet instructor for over 40 years in San Francisco and continued community support.

SPECIAL ORDER 4:00 P.M.

101041 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 10 Bernal Heights Boulevard]

Hearing of persons interested in or objecting to the decision of the Planning Commission's July 1, 2010, Determination of Exemption from Environmental Review identified as Planning Case No. 2010.0306C, by its Motion No. 18131, which included the exemption determination, that a project located at 10 Bernal Heights Boulevard is exempt from environmental review under California Environmental Quality Act (CEQA) Guidelines Sections 15301 Class (1), 15303 (Class 3), and 15311 (Class 11), to install a wireless telecommunications facility consisting of five internet exchange switch antennas on an existing 50-foot tall communications tower at the top of the hill in Bernal Heights Park within an RH-1(D) (Residential, House, Single-Family, Detached) Zoning District and a 40-X Height and Bulk District, on property located at 10 Bernal Heights Boulevard, Lot No. 003, in Assessor's Block No. 5548. (District 9) (Appellant: Erick Arguello on behalf of the Lower 24th Street Merchant Association.)
(Filed August 2, 2010; Companion Measure to File Nos. 101042, 101043, 101044.)

The President inquired as to whether any member of the public wished to address the Board. Terry Milne (Appellant) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Robin Macke; Gail Malinson; Rick Avery; Charles Kalish; Gabriela Schultz; William; Steven Krolik; David Tornheim; spoke in support of the appeal. Tara Sullivan; Nannie Turrell; Male Speaker (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Bill Stevens and Paul Allred (Project Sponsors) provided an overview of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. Alan Lacey; spoke in support of the project and in opposition to the appeal. Terry Milne (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

101042 [Affirming the Exemption Determination for 10 Bernal Heights Boulevard]
Motion affirming the determination by the Planning Commission that the project located at 10 Bernal Heights Boulevard is exempt from environmental review. (Clerk of the Board)

Motion No. M10-170

Supervisor Campos, seconded by Supervisor Maxwell, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell
Noes: 3 - Daly, Mar, Mirkarimi

101043 [Reversing the Exemption Determination Issued for 10 Bernal Heights Boulevard]
Motion reversing the determination by the Planning Commission that the 10 Bernal Heights Boulevard project is exempt from environmental review. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell
Noes: 3 - Daly, Mar, Mirkarimi

101044 [Preparation of Findings to Reverse the Exemption Determination for the 10 Bernal Heights Boulevard Project]
Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Commission that the project located at 10 Bernal Heights Boulevard is exempt from environmental review. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell
Noes: 3 - Daly, Mar, Mirkarimi

SPECIAL ORDER 4:00 P.M.

Supervisor Mar was noted absent at 5:54 p.m.

101045 [Public Hearing - Conditional Use Appeal for 10 Bernal Heights Boulevard]
Hearing of persons interested in or objecting to the decision of the Planning Commission's July 1, 2010, Conditional Use Permit identified as Planning Case No. 2010.0306C, by its Motion No. 18131, under Planning Code Sections 209.6(b) and 303, to install a wireless telecommunications facility consisting of five internet exchange switch antennas on an existing 50-foot tall communications tower at the top of the hill in Bernal Heights Park and to modify the Conditional Use approval under Case No. 2008.1157C to change the number of allowed antennas on the site within the RH-1(D) (Residential, House, Single-Family, Detached) Zoning District, and a 40-X Height and Bulk District, on property located at 10 Bernal Heights Boulevard, Lot No. 003, in Assessor's Block No. 5548. (District 9) (Filed by Erick Arguello on behalf of the Lower 24th Street Merchant Association, and subscribed by Supervisors Campos, Mar, Chiu, Chu, Mirkarimi, and Avalos.)
(Filed August 2, 2010; Companion Measure to File Nos. 101046, 101047, 101048.)

The President inquired as to whether any member of the public wished to address the Board. Gail Malinson (Appellant) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Male Speaker; Robin Mathey; Christine Olsen; Steven Krolik; Chris Houston; David Tornheim; Frank Gregory; Bill Neito; Eric Brooks; Male Speaker; spoke in support of the appeal. Tara Sullivan; Male Speaker (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Bill Stevens and Paul Allred (Project Sponsors) provided an overview of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. Gail Malinson (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

101046 [Approving Planning Commission Decision Related to Conditional Use Appeal for 10 Bernal Heights Boulevard]
Motion approving the decision of the Planning Commission, by its Motion No. 18131, approving Conditional Use Application No. 2010.0306C on property located at 10 Bernal Heights Boulevard, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi
Absent: 1 - Mar

101047 [Disapproving Planning Commission Decision Related to Conditional Use Appeal for 10 Bernal Heights Boulevard]

Motion disapproving the decision of the Planning Commission, by its Motion No. 18131, approving Conditional Use Application 2010.0306C on property located at 10 Bernal Heights Boulevard, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Motion No. M10-171

Supervisor Campos, seconded by Supervisor Mirkarimi, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi
Absent: 1 - Mar

101048 [Preparation of Findings Related to the Conditional Use Appeal for 10 Bernal Heights Boulevard]

Motion directing the Clerk of the Board to prepare findings relating to the proposed Conditional Use Application No. 2010.0306C on property located at 10 Bernal Heights Boulevard. (Clerk of the Board)

Motion No. M10-172

Supervisor Campos, seconded by Supervisor Mirkarimi, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi
Absent: 1 - Mar

SPECIAL ORDER 4:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

Public Hearing amended by approval of File No. 101404.

101405 [Public Hearing - Take Public Input and Discuss the Process to Appoint a Successor Mayor]

Sponsors: Avalos; Campos and Daly

Hearing to take public input and discuss the process by which the Board of Supervisors may exercise its exclusive jurisdiction under the Charter to appoint a successor Mayor for the City and County of San Francisco.

The President inquired as to whether any member of the public wished to address the Board relating to File Nos. 101405 and 101406. David Day; Male Speaker; Gabriel Haaland; Jeff Henke; Male Speaker; Female Speaker; Pedro Gonzalez; Robby Reedmeyer; Gabby Soto; Male Speaker; spoke on concerns relating to the selection of a successor Mayor. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

101406 [Appointing a Successor Mayor]
Sponsors: Avalos; Campos and Daly
Motion to take nominations and appoint a successor Mayor in the event of a vacancy in the Office of the Mayor.

Pursuant to the actions of File No. 101404 this Motion was TABLED BY OPERATION OF LAW.

TABLED BY OPERATION OF LAW

COMMITTEE REPORT

Recommendation of the Land Use and Economic Development Committee

101057 [Planning Code - Health Care Services Master Plan]
Sponsors: Campos; Mar, Maxwell, Mirkarimi, Avalos, Chiu and Daly
Ordinance amending the San Francisco Planning Code by adding Sections 342 to 342.10 requiring the preparation of a Health Care Services Master Plan identifying the current and projected needs for, and locations of, health care services within San Francisco and recommending how to achieve and maintain appropriate distribution of, and equitable access to, such services; requiring that any change of use to a Medical Use, as defined, that will occupy a space exceeding 10,000 gross square feet of floor area, or an expansion of any existing Medical Use by at least 5,000 gross square feet of floor area obtain a Consistency Determination from the Planning Commission or the Planning Department determining that the proposed use or expansion promotes the goals recommended in the Master Plan; providing fees for time and material costs incurred to prepare the Consistency Determination, and making findings, including findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1 and environmental findings.

Supervisor Campos, seconded by Supervisor Dufty, moved that this Ordinance be AMENDED on Page 12, Line 9, by inserting the following paragraph: 'Section 342.6(d) The Board of Supervisors or Board of Appeal, as applicable, shall act on the appeal of the Consistency Determination at the same time it acts on other entitlements for the proposed use. The Board of Supervisors or Board of Appeal, as applicable, may find that countervailing public policy considerations justify approval of the entitlement despite any inconsistency with the Health Care Services Master Plan.'. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced.

PUBLIC COMMENT

Supervisor Campos was noted absent at 8:55 p.m.

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Joshua; expressed concerns relating to the SF Police Department.
Peter Warfield; expressed concerns relating to the SF Public Library.
Steven Gerard; expressed various concerns.
Male Speaker; expressed various concerns.
Female Speaker; expressed various concerns.
Edmond Juicye; expressed various concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

101398 [Accept and Expend Grant - Project ITRIP - $42,384]
Sponsor: Chu
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $42,384 from the University of California, San Francisco (UCSF), to fund the project ITRIP Follow Up; for the period of September 1, 2010, through February 28, 2011, waiving indirect costs. (Public Health Department)

Resolution No. 551-10

ADOPTED

101399 [Accept and Expend Grant - WritersCorps Program - $10,200]
Sponsors: Chu; Dufty
Resolution authorizing the San Francisco Arts Commission to retroactively accept and expend a grant in the amount of $10,200 from the California Arts Council's Artists in Schools Program to help support the cost of a WritersCorps contracted teaching artist at Mission High School in San Francisco. (Arts Commission)

Supervisor Dufty requested to be added as a co-sponsor.

Resolution No. 552-10

ADOPTED

101400 [Accept and Expend Grant - Arts Commission's Art Education Program - $15,000]
Sponsor: Chu
Resolution authorizing the San Francisco Arts Commission to retroactively accept and expend a grant in the amount of $15,000 from the California Art Council to help support the Arts Commission's Arts Education Program. (Arts Commission)

Resolution No. 553-10

ADOPTED

101401 [Supporting the Promotion and Deployment of Broadband Internet Access in California and San Francisco]

Sponsor: Chiu

Resolution joining with 31 California counties in supporting the work of the California Emerging Technology Fund's Get Connected! public awareness program; embracing the California Emerging Technology Fund's goal to achieve broadband Internet access at home for 80% of all Californians by 2015; embracing a goal to achieve broadband Internet access for 90% of San Franciscans by 2015, with a focus on connecting seniors and low income households; requesting that the Department of Technology report back on strategic actions planned that will remove barriers and promote the deployment and adoption of broadband.

Resolution No. 554-10

ADOPTED

101402 [Declaring November 18, 2010, as Bay Area Young Positives Day]

Sponsors: Dufty; Campos

Resolution declaring November 18, 2010, as Bay Area Young Positives Day to recognize 20 years of providing peer-based, specialized, culturally competent services to the San Francisco Bay Area's HIV positive youth.

Resolution No. 555-10

ADOPTED

101403 [Declaring December 9, 2010, as CHEER SF Day in San Francisco]

Sponsors: Dufty; Campos

Resolution declaring December 9, 2010, as CHEER SF Day in San Francisco to commemorate the 30th Anniversary of the world's first LGBT-identified cheerleading team that raises funds for local, national, and international service agencies.

Resolution No. 556-10

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi

Absent: 2 - Campos, Mar

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Daly requested that File Nos. 101139 and 101404 be severed so that they may be considered separately.

101139 [Process for Nominating and Selecting a Successor Mayor]
Sponsor: Chiu
Motion directing the Clerk of the Board of Supervisors to propose a process for nominating and selecting a successor to the Mayor.

The President inquired as to whether any member of the public wished to address the Board on File Nos. 101139 and 101404. Male Speaker; Ace Washington; Male Speaker; John Rizzo; David Tornheim; Julian Davis; Angelica Cabande; Rachel Ebora; Joseph Smooke; Male Speaker; Brian Basinger; Male Speaker; Tommy Avoccoli-Mecca; Tab Buckner; Brenda Barrell; Christopher Cooke; Rebecca Tumara; Female Speaker; Emma Gerald; Crystal Jabba; Alysabeth Alexander; Jorge Garcia; Kay Walker; Gabriel Haaland; Steve Varjofske; Michael Tom; Frank Martine-Del Campo; Mario Ortegas; Female Speaker; Peter Warfield; Darryl Jones; spoke on concerns relating to the process of selecting a successor Mayor. There were no other speakers. The President declared public comment closed.

Privilege of the floor was granted to Nancy J. Clark; James Williams; Orry P. Korb (Office of Mr. Miguel Marquez, Office of the County Counsel, County of Santa Clara) who responded to questions raised throughout the discussion regarding File Nos. 101139 and 101404.

Motion No. M10-173

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi
Absent: 1 - Mar

101404 [Committee of the Whole – Public Hearing to Take Public Input and Discuss the Process to Appoint a Successor Mayor]

Sponsor: Avalos

Motion that the Board convene as a Committee of the Whole on November 16, 2010, to consider the appointment of successor Mayor for the City and County of San Francisco.

The President inquired as to whether any member of the public wished to address the Board on File Nos. 101139 and 101404. Male Speaker; Ace Washington; Male Speaker; John Rizzo; David Tornheim; Julian Davis; Angelica Cabande; Rachel Ebora; Joseph Smooke; Male Speaker; Brian Basinger; Male Speaker; Tommy Avoccoli-Mecca; Tab Buckner; Brenda Barrell; Christopher Cooke; Rebecca Tumara; Female Speaker; Emma Gerald; Crystal Jabba; Alysabeth Alexander; Jorge Garcia; Kay Walker; Gabriel Haaland; Steve Varjofske; Michael Tom; Frank Martine-Del Campo; Mario Ortegas; Female Speaker; Peter Warfield; Darryl Jones; spoke on concerns relating to the process of selecting a successor Mayor. There were no other speakers. The President declared public comment closed.

Privilege of the floor was granted to Nancy J. Clark; James Williams; Orry P. Korb (Office of Mr. Miguel Marquez, Office of the County Counsel, County of Santa Clara) who responded to questions raised throughout the discussion regarding File Nos. 101139 and 101404.

Supervisor Avalos, seconded by Supervisor Chiu, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, to 'Motion that the Board of Supervisors convene as a Committee of the Whole on November 16, 2010, to take public input and discuss the process by which the Board of Supervisors may exercise its exclusive jurisdiction under the Charter to appoint a successor Mayor for the City and County of San Francisco.' The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi
Absent: 1 - Mar

Motion No. M10-174

APPROVED AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi
Absent: 1 - Mar

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or Mayor

Ordinances

101443 [Accept and Expend Grant - Three Part-Time Q4 Police Officer III Positions - $424,107]
Sponsor: Alioto-Pier
Ordinance authorizing the San Francisco Police Department, on behalf of the City and County of San Francisco, to retroactively accept and expend grant funds in the amount of $424,107 from the United States Department of Justice/National Institute of Justice "Solving Cold Cases with DNA" Grant Program; and amending Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect the addition of three (3) part-time positions (1.50 FTE total) in job classification Q4 Police Officer III in the San Francisco Police Department.

11/16/10; RECEIVED AND ASSIGNED to Public Safety Committee.

101444 [Accept and Expend Grant - Chinatown Broadway Streetscape Improvement Design Plan - $250,000]
Sponsor: Chiu
Ordinance authorizing the San Francisco Planning Department to accept and expend a grant in the amount of $250,000 from the California Department of Transportation, Division of Transportation Planning for the FY 2010-2011 Environmental Justice Grant for the Chinatown Broadway Streetscape Improvement Design Plan, and amending Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect the addition of one (1) limited duration Job Class 5293 Planner IV, grant funded position (0.06 FTE), in the Planning Department.

11/16/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101445 [Public Works Code - Banners on the Path of Gold]
Sponsor: Dufty
Ordinance amending Public Works Code Section 184.78 to allow city neighborhood banners, as defined in Section 184.78, to be posted on the Path of Gold lamp posts lining Market Street, and adopting environmental findings.

101446 [Accept and Expend Grant - Central Corridor Growth Strategy and Design Plan - $250,000]
Sponsor: Mayor
Ordinance authorizing the San Francisco Planning Department to accept and expend a grant in the amount of $250,000 from the California Department of Transportation, Division of Transportation Planning, for the CalTrans Community-Based Transportation Grant for the Central Corridor Growth Strategy and Design Plan, and amending Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect the addition of one (1) limited duration Job Class 5293 Planner IV, grant funded position (0.15 FTE), in the Planning Department.

11/16/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101458 [Administrative Code - Extending Operation of Voting Systems Task Force]
Sponsor: Campos
Ordinance amending the San Francisco Administrative Code by amending Sections 5.400 and 5.410 and adding Section 5.415 to extend the operation of the Voting Systems Task Force to June 30, 2011.

11/16/10; RECEIVED AND ASSIGNED to Rules Committee.

100495 [Administrative Code - California Environmental Quality Act Procedures, Appeals, and Public Notice]
Sponsor: Alioto-Pier
Ordinance amending Administrative Code Chapter 31 to provide for appeals to the Board of Supervisors of certain environmental documents and determinations under the California Environmental Quality Act, to clarify procedures and to provide public notice of environmental documents and determinations.

04/20/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 5/21/2010.

04/27/10; REFERRED TO DEPARTMENT.

05/04/10; RESPONSE RECEIVED.

07/14/10; RESPONSE RECEIVED.

07/20/10; SUBSTITUTED.

07/20/10; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

07/26/10; REFERRED TO DEPARTMENT.

09/21/10; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

09/23/10; REFERRED TO DEPARTMENT.

11/16/10; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

101310 [Public Works Code - Regulation of Freestanding Newsracks and Fixed Pedestal Newsracks]
Sponsor: Alioto-Pier
Ordinance amending the San Francisco Public Works Code by amending Sections 184.2, 184.6, 184.8, and 184.12 thereof, relating to newsracks, to provide for: (1) the use of electronic mail for notices of violations; (2) removal of abandoned newsracks or newsracks maintained in violation of the Public Works Code within 7 calendar days of notice of violation sent by electronic mail; (3) imposition of administrative fines for violations resulting in newsrack seizures; (4) consolidation and/or reduction in size of fixed pedestal newsracks at under-used locations; (5) allocation of space in newsrack boxes on a first-come-first-served basis under certain circumstances; and (6) reduction of the fixed pedestal permit fee from $60 to $50.

10/19/10; ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 11/18/2010.

11/16/10; SUBSTITUTED AND ASSIGNED to City Operations and Neighborhood Services Committee.

101349 [Administrative Code - DNA Testing in Sexual Assault Cases]
Sponsors: Alioto-Pier; Chu
Ordinance implementing the California "Sexual Assault Victims' Bill of Rights" by amending the San Francisco Administrative Code to: (1) add Section 2A.89 to require the Police Department to develop and implement procedures to collect and test DNA samples in sexual assault cases and provide information and notices to victims, require the Mayor to report on DNA collection and testing performance as part of the budget submission, and make it the policy of the City and County of San Francisco to appropriate sufficient funds each fiscal year to ensure timely testing of DNA evidence in sexual assault cases; and (2) add Section 10.100-172 to establish the Police DNA Testing in Sexual Assault Cases Account.

10/26/10; ASSIGNED UNDER 30 DAY RULE to Public Safety Committee, expires on 11/25/2010.

11/16/10; SUBSTITUTED AND ASSIGNED to Public Safety Committee.

101055 [Environment Code - Checkout Bags; Checkout Bag Charge]
Sponsor: Mirkarimi
Ordinance amending Chapter 17 of the San Francisco Environment Code by amending Section 1702, to extend the mandatory use of recyclable or compostable checkout bags from supermarkets and chain pharmacies to all retail establishments in the City, and clarify terms and adding Section 1703.5, to require stores to add a Checkout Bag Charge of 10 cents if they provide a customer with a checkout bag; setting an operative date of July 1, 2011, and making environmental findings. (Economic Impact.)

08/03/10; ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee.

08/12/10; REFERRED TO DEPARTMENT.

10/12/10; RESPONSE RECEIVED.

11/16/10; SUBSTITUTED AND ASSIGNED to City Operations and Neighborhood Services Committee.

Resolutions

101390 [Gift Acceptance - Equipment and Furnishings - $14,000]
Sponsor: Elsbernd
Resolution authorizing the Department of Public Health, Laguna Honda Hospital and Rehabilitation Center, to accept a gift of merchandise, furniture, fixtures and equipment from Laguna Honda Volunteers, Inc. with a monetary value of up to $14,000.

11/16/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101409 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street No. 1]
Sponsor: Daly
Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street No. 1, San Francisco, California (Assessor's Block No. 3721, Lot No. 109) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

11/10/10; ASSIGNED to Board of Supervisors.

101412 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street No. 2]
Sponsor: Daly
Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street No. 2, San Francisco, California (Assessor's Block No. 3721, Lot No. 110) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

11/10/10; ASSIGNED to Board of Supervisors.

101415 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street No. 3]
Sponsor: Daly
Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street No. 3, San Francisco, California (Assessor's Block No. 3721, Lot No. 111) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

11/10/10; ASSIGNED to Board of Supervisors.

101418 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street No. 4]
Sponsor: Daly
Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street No. 4, San Francisco, California (Assessor's Block No. 3721, Lot No. 112) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

11/10/10; ASSIGNED to Board of Supervisors.

101421 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street No. 5]
Sponsor: Daly
Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street No. 5, San Francisco, California (Assessor's Block No. 3721, Lot No. 113) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

11/10/10; ASSIGNED to Board of Supervisors.

101424 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street No. 7]
Sponsor: Daly
Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street No. 7, San Francisco, California (Assessor's Block No. 3721, Lot No. 115) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

11/10/10; ASSIGNED to Board of Supervisors.

101427 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street No. 9]
Sponsor: Daly
Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street No. 9, San Francisco, California (Assessor's Block No. 3721, Lot No. 117) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

11/10/10; ASSIGNED to Board of Supervisors.

101430 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street No. C1]
Sponsor: Daly
Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street No. C1, San Francisco, California (Assessor's Block No. 3721, Lot No. 118) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

11/10/10; ASSIGNED to Board of Supervisors.

101433 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 60 Tehama Street]
Sponsor: Daly
Resolution authorizing the acquisition of real property commonly known as 60 Tehama Street, San Francisco, California (Assessor's Block No. 3736, Lot No. 088) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

11/10/10; ASSIGNED to Board of Supervisors.

101436 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 564 Howard Street]

Sponsor: Daly

Resolution authorizing the acquisition of real property commonly known as 564 Howard Street, San Francisco, California (Assessor's Block No. 3721, Lot No. 019) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

11/10/10; ASSIGNED to Board of Supervisors.

101439 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 568 Howard Street]

Sponsor: Daly

Resolution authorizing the acquisition of real property commonly known as 568 Howard Street, San Francisco, California (Assessor's Block No. 3721, Lot No. 020) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

11/10/10; ASSIGNED to Board of Supervisors.

101442 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 13 Easement Interests Across and Through 85 Natoma Street]

Sponsor: Daly

Resolution authorizing the acquisition of 13 easement interests across and through the real property commonly known as 85 Natoma Street, San Francisco, California (Assessor's Block No. 3721, Lot Nos. 109-118) (recorded in the official records of the City and County of San Francisco as Doc 2000-G860199-00, November 6, 2000) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

11/10/10; ASSIGNED to Board of Supervisors.

101447 [Accept and Expend Grant - Market and Octavia Historic Resource Preservation Project - $83,529]

Sponsor: Chiu

Resolution authorizing the San Francisco Planning Department to retroactively accept and expend a grant in the amount of $83,529 from the National Park Service for the period August 1, 2010, through August 31, 2012, in order to conduct the Market and Octavia Historic Resource Preservation Project.

11/16/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101448 [Installation of Public Art in the Hunters Point Shipyard Redevelopment Project Area - $80,000]
Sponsor: Maxwell
Resolution making findings under Section 33445 of the California Health and Safety Code and consenting to the Redevelopment Agency using approximately $80,000 in designated federal grant monies for the installation of Public Art in the Hunters Point Shipyard Redevelopment Project Area.

11/16/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101449 [Rehabilitation of Building 813 in the Hunters Point Shipyard Redevelopment Project Area - $7,258,890]
Sponsor: Maxwell
Resolution making findings under Section 33445 of the California Health and Safety Code and consenting to the Redevelopment Agency of the City and County of San Francisco's payment of funds in the amount of $7,258,890 for the pre-development and rehabilitation of Building 813 in the Hunters Point Shipyard Redevelopment Project Area.

11/16/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101450 [Temporary Preservation Easement - Bayview Opera House - 4705 Third Street]
Sponsor: Maxwell
Resolution approving a temporary preservation easement affecting a City building located at 4705 Third Street, commonly known as the Bayview Opera House.

11/16/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101451 [Accept and Expend Grant - High Risk Program and Pest Exclusion/Nursery Inspection - $47,796]
Sponsor: Alioto-Pier
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively two grants (Agreement Nos. 10-0539 and 10-0404) totaling $47,796 from the California Department of Food and Agriculture to fund the High Risk Program and the Pest Exclusion/Nursery Inspection, both for the period of July 1, 2010, through June 30, 2011.

11/16/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101452 [Accept and Expend Grant - Crucial Transitions in Young Opioid Users in Iran - $6,280]
Sponsor: Chu
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $6,280 from the University of California San Francisco, to participate in a program entitled "Crucial Transitions in Young Opioid Users in Iran," for the period of November 1, 2010, through August 31, 2011.

11/16/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101259 [34th America's Cup Host City Agreement and Finding of Fiscal Feasibility]
Sponsors: Mayor; Chiu, Mirkarimi, Alioto-Pier, Chu, Dufty and Maxwell
Resolution approving a Host City and Venue Agreement between the City, the America's Cup Event Authority and the San Francisco America's Cup Organizing Committee; authorizing the Mayor or his designee and the Port to execute the Host City and Venue Agreement; authorizing and urging the Mayor, Office of Economic and Workforce Development, Port and such other City Officials as appropriate to take such steps and execute such additional agreements as are consistent with the Host City and Venue Agreement and this Resolution to bring the 34th America's Cup to the San Francisco Bay; and finding that the proposed Event is fiscally feasible as set forth in Administrative Code Chapter 29.
Economic Impact

11/09/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

11/16/10; SUBSTITUTED AND ASSIGNED to Budget and Finance Committee.

Motions

101407 [Committee of the Whole - December 7, 2010 - Public Hearing to Acquire Various Real Properties by Eminent Domain for Transbay Transit Center Program]
Sponsor: Daly
Motion that the Board of Supervisors hold a public hearing on December 7, 2010, at 3:00 p.m., with the Board of Supervisors sitting as a Committee of the Whole, to consider acquisition of various real properties by eminent domain for the public purpose of constructing the Transbay Transit Center Program.

11/16/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101455 [Committee of the Whole - Public Hearing to Create a Process for the Appointment of a Successor Mayor; Possibly Amending Rules of Order]
Motion that the Board of Supervisors convene as a Committee of the Whole on November 23, 2010, at 3:00 p.m. to approve a one-time process to appoint a successor Mayor, if a vacancy occurs; possibly amending the Rules of Order by adding a new Section 7, creating said process; and waiving Rule 4.38, which refers amendments to the Rules of Order to the Rules Committee. (Clerk of the Board)

11/16/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101457 [Creating a Process for the Appointment of a Successor Mayor]
Motion to consider and approve a one-time process to appoint a successor Mayor, if a vacancy occurs; possibly amending the Rules of Order by adding a new Section 7, creating said process; and waiving Rule 4.38, which refers amendments to the Rules of Order to the Rules Committee. (Clerk of the Board)

101465 [Committee of the Whole - Public Hearing to Take Nominations and Appoint a Successor Mayor in the Event of a Vacancy in the Office of the Mayor]
Sponsor: Daly
Motion that the Board of Supervisors convene as a Committee of the Whole on November 23, 2010, at 3:00 p.m., to discuss the proposed Motion to take nominations and appoint a successor Mayor in the event of a vacancy in the Office of the Mayor.

11/16/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101467 [Appointment of a Successor Mayor]
Sponsor: Daly
Motion to take nominations and appoint a successor Mayor in the event of a vacancy in the Office of the Mayor.

11/16/10; ASSIGNED to Board of Supervisors.

Hearings

101408 [Public Hearing - Resolution Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street No. 1]
Sponsor: Daly
Hearing of persons interested in or objecting to proposed Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street No. 1, San Francisco, California (Assessor's Block No. 3721, Lot No. 109) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

11/10/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

101411 [Public Hearing - Resolution Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street No. 2]
Sponsor: Daly
Hearing of persons interested in or objecting to proposed Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street No. 2, San Francisco, California (Assessor's Block No. 3721, Lot No. 110) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

11/10/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

101414 [Public Hearing - Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street No. 3]
Sponsor: Daly
Hearing of persons interested in or objecting to proposed Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street No. 3, San Francisco, California (Assessor's Block No. 3721, Lot No. 111) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

11/10/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

101417 [Public Hearing - Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street No. 4]
Hearing of persons interested in or objecting to proposed Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street No. 4, San Francisco, California (Assessor's Block No. 3721, Lot No. 112) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

11/10/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

101420 [Public Hearing - Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street No. 5]
Hearing of persons interested in or objecting to proposed Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street No. 5, San Francisco, California (Assessor's Block No. 3721, Lot No. 113) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

11/10/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

101423 [Public Hearing - Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street No. 7]
Hearing of persons interested in or objecting to proposed Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street No. 7, San Francisco, California (Assessor's Block No. 3721, Lot No. 115) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

11/10/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

101426 [Public Hearing - Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street No. 9]

Hearing of persons interested in or objecting to proposed Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street No. 9, San Francisco, California (Assessor's Block No. 3721, Lot No. 117) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

11/10/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

101429 [Public Hearing - Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street No. C1]

Hearing of persons interested in or objecting to proposed Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street No. C1, San Francisco, California (Assessor's Block No. 3721, Lot No. 118) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

11/10/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

101432 [Public Hearing - Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 60 Tehama Street]

Hearing of persons interested in or objecting to proposed Resolution authorizing the acquisition of real property commonly known as 60 Tehama Street, San Francisco, California (Assessor's Block No. 3736, Lot No. 088) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

11/10/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

101435 [Public Hearing - Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 564 Howard Street]

Hearing of persons interested in or objecting to proposed Resolution authorizing the acquisition of real property commonly known as 564 Howard Street, San Francisco, California (Assessor's Block No. 3721, Lot No. 019) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

11/10/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

101438 [Public Hearing - Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 568 Howard Street]
Sponsor: Daly
Hearing of persons interested in or objecting to proposed Resolution authorizing the acquisition of real property commonly known as 568 Howard Street, San Francisco, California (Assessor's Block No. 3721, Lot No. 020) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

11/10/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

101441 [Public Hearing - Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 13 Easement Interests Across and Through 85 Natoma Street]
Sponsor: Daly
Hearing of persons interested in or objecting to proposed Resolution authorizing the acquisition of 13 easement interests across and through the real property commonly known as 85 Natoma Street, San Francisco, California (Assessor's Block No. 3721, Lot Nos. 109-118) (recorded in the official records of the City and County of San Francisco as Doc 2000-G860199-00, November 6, 2000) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

11/10/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

101454 [Mayor's Office and Controller - FY2010-2011and FY2011-2012]
Sponsor: Avalos
Hearing to inquire of the Mayor's Office and Controller on: 1) projected revenues and shortfalls for FY2010-2011 and FY2011-2012; 2) ongoing salary savings; 3) possible mid-year cuts; and 4) the Mayor's FY2011-2012 Budget Instructions.

11/16/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101456 [Public Hearing - Process for the Appointment of a Successor Mayor; Possibly Amending Rules of Order]
Hearing to discuss the proposed Motion to consider and approve a one-time process to appoint a successor Mayor, if a vacancy occurs; possibly amending the Rules of Order by adding a new Section 7, creating said process; and waiving Rule 4.38, which refers amendments to the Rules of Order to the Rules Committee. (Clerk of the Board)

11/16/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

101466 [Public Hearing - Appointment of a Successor Mayor]
Sponsor: Daly
Hearing to discuss the proposed Motion to take nominations and appoint a successor Mayor in the event of a vacancy in the Office of the Mayor.

11/16/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

Introduced by the President at the Request of Departments

PROPOSED RESOLUTION

100598 [Real Property Lease - 238 Eddy Street]
Resolution authorizing the Master Lease of the Windsor Hotel at 238 Eddy Street for the Department of Public Health. (Real Estate Department)
(Fiscal Impact.)

11/08/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the public property located at the following locations:

Utility Boxes
Southwest corner of Waller and Steiner
Northeast corner of Stanyan and Parnassus
Southwest corner of 6th Avenue and Lincoln
In front of 639 Frederick
Southeast corner of Octavia and Fell
Southeast corner of Fell and Laguna

Bus Shelters
Southwest corner of Buchanan and Haight
Southwest corner of Pierce and Haight
Southwest corner of 15th Avenue and Lincoln
Southwest corner of Irving and Arguello
Fillmore and Haight (all 4 bus stops, graffiti and grime and canopies are graffiti also canopies have graffiti)

Fire Hydrants
Southwest corner of Laguna and Page
In front of 442 Carl
In front of 101 Woodland
Northeast corner of Fell and Laguna

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from newsstands at the following locations:

San Francisco Bay Guardian
Southeast corner of Fillmore and Post
Southwest corner of Divisadero and Sutter
9th Avenue and Judah (near bus stops)
7th Avenue and Irving (near bus stops)
Northwest corner of Hayes and Fillmore
Southeast corner of Fillmore and Haight

San Francisco Chronicle
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore
Irving and 9th Avenue
Irving and 7th Avenue
Southwest corner of Haight and Clayton
Southeast corner of Haight and Masonic

Examiner
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore

SF Daily
Northwest corner of Hayes and Gough

City Star
Northwest corner of Hayes and Gough
Southeast corner of Fillmore and Haight

SF Weekly
Southeast corner of Masonic and Haight
Southeast corner of Haight and Fillmore

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti at the following locations:

Garbage Cans
Southwest corner of Waller and Fillmore
Southwest corner of 11th Avenue and Lincoln
In front of 579 Hayes
In front of 498 Carl
In front of 639 Frederick
Page/Laguna; Mini Park both cans
In front of 559 Lincoln
Northwest corner of 4th Avenue and Lincoln

Mailbox
Southwest corner of Webster and Oak

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of repairing potholes at the following locations:

Potholes, Lights and Sidewalk Issues
At 1379 10th Avenue
At 1362 3rd Avenue

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti at the following private property locations:

921 Lincoln
929 Lincoln
755 Frederick
639 Frederick
498 Carl
546 Haight
375 Carl
327 Lincoln
323 Lincoln
317 Page
1212 15th Avenue
1208 6th Avenue
1240 7th Avenue
1349 9th Avenue

101 Lincoln
1201 8th Avenue
228 Irving
1201 Willard
418 Haight

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations:

Metal Poles
In front of 101 Scott
In front of 1219 10th Avenue
In front of 1234 11th Avenue
In front of 1252 2nd Avenue
In front of 1322 4th Avenue
In front of 1350 3rd Avenue
Southwest corner of 10th Avenue and Lincoln
In front of 240 Waller
In front of 202 Rose
In front of 24 Irving
In front of 282 Waller
In front of 331 Page
In front of 639 Frederick

Wood Poles
Northeast corner of 16th Avenue and Judah
In front of 268 Carl
Northeast corner of Rose and Haight
Northwest corner of 12th Avenue and Judah
In front of 1370 10th Avenue
In front of 1258 8th Avenue

In Memoriams

Brother Kelly Cullen – Entire Board
John Meyer – Supervisor Dufty
Irwin Bear – Supervisor Dufty
Joseph Medina – Entire Board
William Frost – Supervisor Chu
Ray Sheeran – Supervisors Elsbernd and Dufty
Howard Lester – Supervisor Elsbernd
Ralph House – Supervisor Maxwell
Robert Barbagelata – Entire Board

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 9:05 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on December 14, 2010.

Angela Calvillo, Clerk of the Board

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

GOVERNMENT
DOCUMENTS DEPT

DEC 16 2011

SAN FRANCISCO
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Tuesday, November 23, 2010 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Elsbernd	Wednesday 11:00 AM
City and School District Select Committee Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, Avalos, Dufty	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mar, Chu, Maxwell	2nd and 4th Thursday 10:30 AM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Elsbernd	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Alioto-Pier, Mar	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:16 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved to approve the Board Meeting Minutes of October 19, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

101271 [Appropriating $9,035,065 of Certificate of Participation Expenses for Capital Improvement Projects in the Department of Public Works and Mayor's Office on Disability for FY2010-2011]

Sponsor: Mayor

Ordinance appropriating $9,035,065 of Certificate of Participation Series 2011A Delivery Date Expenses to fund multiple Capital Improvement Projects in the Department of Public Works and Mayor's Office on Disability in the General Services Agency - Office of the City Administrator for FY2010-2011, and placing these funds on Controller's reserve pending issuance of the Certificates of Participation.

Ordinance No. 295-10

FINALLY PASSED

Recommendation of the Government Audit and Oversight Committee

101157 [Administrative Code - Updating Provisions Consistent with State and Local Law and Related Clean-Up Provisions on Employee Relations]
Sponsor: Mayor
Ordinance amending Section 16.200 through Section 16.222 of the San Francisco Administrative Code regarding Employee Relations to update provisions consistent with state and local law and related clean-up provisions.

Ordinance No. 296-10

FINALLY PASSED

Recommendations of the Rules Committee

101289 [Settlement of Lawsuit - Nyree Monroe - Up to $31,000]
Ordinance authorizing settlement of the lawsuit filed by Nyree Monroe against the City and County of San Francisco for up to $31,000; the lawsuit was filed on March 25, 2010, in San Francisco Superior Court, Case No. CGC 10-498109; entitled Nyree Monroe v. City and County of San Francisco; other material terms of said settlement are reinstatement. (City Attorney)

Ordinance No. 304-10

FINALLY PASSED

101290 [Settlement of Lawsuit - Edward Kriete - $575,000]
Ordinance authorizing settlement of the lawsuit filed by Edward Kriete against the City and County of San Francisco for $575,000; the lawsuit was filed on April 17, 2009, in the San Francisco Superior Court, Case No. CGC 09-487483; entitled Edward Kriete v. City and County of San Francisco. (City Attorney)

Ordinance No. 303-10

FINALLY PASSED

101303 [Settlement of Lawsuit - Viz Media, LLC - $219,000]
Ordinance authorizing settlement of the lawsuit filed by Viz Media, LLC, against the City and County of San Francisco for $219,000; the lawsuit was filed on August 10, 2010, in San Francisco Superior Court, Case No. CGC-10-502460; entitled Viz Media, LLC, v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 302-10

FINALLY PASSED

101340 [Settlement of Lawsuit - Regal Stone, Ltd. - City to Receive $3,717,096.52]
Ordinance authorizing settlement of the lawsuit filed by City and County of San Francisco against Regal Stone, Ltd, et al. for the sum of $3,717,096.52, including previous initial payment of $2,000,000; the lawsuit was filed on December 10, 2007, in San Francisco Superior Court, Case No. CGC-07-469876 (transferred to Monterey County Superior Court, Case No. M98173); entitled City and County of San Francisco, et al., v. Regal Stone, Ltd., et al. (City Attorney)

Ordinance No. 305-10

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the Consent Agenda

Supervisor Elsbernd requested that File No. 101288 be severed so that it may be considered separately.

101288 [Settlement of Lawsuit - Cheryl Austin - $268,452]
Ordinance authorizing settlement of the lawsuit filed by Cheryl Austin against the City and County of San Francisco for $268,452, inclusive of attorneys' fees and costs; the lawsuit was filed on March 25, 2010, in San Francisco Superior Court, Case No. CGC 10-498110; entitled Cheryl Austin v. City and County of San Francisco. (City Attorney)

Ordinance No. 306-10

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Elsbernd

REGULAR AGENDA

UNFINISHED BUSINESS

Vetoed by the Mayor

101096 [Health Code - Setting Nutritional Standards for Restaurant Food Sold Accompanied by Toys or Other Youth Focused Incentive Items]
Sponsors: Mar; Campos, Chiu and Avalos
Ordinance amending Article 8 of the San Francisco Health Code by adding Sections 471.1 through 471.9, to set nutritional standards for restaurant food sold accompanied by toys or other youth focused incentive items.

APPROVED OVER THE MAYOR'S VETO by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

Recommendation of the Budget and Finance Committee

091106 [Approval of a Historical Property Contract for 1818 California Street (Lilienthal-Orville Pratt House)]
Sponsor: Alioto-Pier
Resolution under Chapter 71 of the San Francisco Administrative Code, approving a historical property contract between Nakamura FLP, the owner of 1818 California Street (Lilienthal-Orville Pratt House), and the City and County of San Francisco; authorizing the Director of Planning and the Assessor to execute the historical property contract.

Resolution No. 557-10

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the City Operations and Neighborhood Services Committee

101351 [Planning Code - Zoning - Temporary Uses and Mobile Food Facilities]
Sponsor: Dufty
Ordinance amending the San Francisco Planning Code by adding Section 102.31 to define a Mobile Food Facility, amending Section 205 and adding Section 205.4 to establish a new category of temporary uses, and amending Sections 212, 790.91, 790.93 and 890.90 to clarify that Mobile Food Facilities need not be conducted within enclosed buildings; adopting findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1.

Ordinance No. 297-10

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101352 [Various Codes - Mobile Food Facilities - Department of Public Works Permitting Authority]
Sponsor: Dufty
Ordinance amending the San Francisco Police Code and San Francisco Public Works Code by repealing Articles 17.2 (Regulations for Mobile Caterers; Permit and License Provisions) and 17.3 (Permit Regulations for Pushcart Peddlers), transferring the regulations to a new Article 5.8 of the Public Works Code commencing with Section 184.80, redefining Mobile Caterers and Pushcart Peddlers as Mobile Food Facilities; making other amendments to implement the transfer, including new fee and penalty provisions and new notice and hearing procedures; amending Sections 440 and 451 of the San Francisco Health Code and repealing Section 249, amending Section 249.1, and adding Section 249.23 to the San Francisco Business and Tax Regulations Code to update definitions and add annual fees and plan check fees for Mobile Food Facilities; and adopting environmental findings.

Ordinance No. 298-10

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

101057 [Planning Code - Health Care Services Master Plan]
Sponsors: Campos; Mar, Maxwell, Mirkarimi, Avalos, Chiu and Daly
Ordinance amending the San Francisco Planning Code by adding Sections 342 to 342.10 requiring the preparation of a Health Care Services Master Plan identifying the current and projected needs for, and locations of, health care services within San Francisco and recommending how to achieve and maintain appropriate distribution of, and equitable access to, such services; requiring that any change of use to a Medical Use, as defined, that will occupy a space exceeding 10,000 gross square feet of floor area, or an expansion of any existing Medical Use by at least 5,000 gross square feet of floor area obtain a Consistency Determination from the Planning Commission or the Planning Department determining that the proposed use or expansion promotes the goals recommended in the Master Plan; providing fees for time and material costs incurred to prepare the Consistency Determination, and making findings, including findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1 and environmental findings.

Ordinance No. 300-10

FINALLY PASSED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

101079 [Administrative Code - Water Efficient Irrigation]
Sponsors: Mayor; Maxwell and Mar
Ordinance amending the San Francisco Administrative Code by repealing Chapter 63 in its entirety and adding a new Chapter 63, requiring the development and maintenance of landscape irrigation controls for specified new construction landscapes and landscape rehabilitation projects.

Ordinance No. 301-10

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Elsbernd

Recommendations of the Public Safety Committee

100455 [Environment Code - San Francisco Safe Drug Disposal Ordinance]
Sponsor: Mirkarimi
Ordinance amending the San Francisco Environment Code by adding Chapter 22, Sections 2201 through 2211, to: require any person who produces a drug offered for sale in San Francisco to participate in an approved drug stewardship program for the collection and disposal of unwanted drugs from residential sources; provide for implementation, enforcement, fees, and penalties; and phase-in the application of the Chapter to non-prescription drugs and controlled substances; and making environmental findings.
(Supervisor Elsbernd dissented in Committee.)

Supervisor Mirkarimi, seconded by Supervisor Campos, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mirkarimi, seconded by Supervisor Avalos, CONTINUED AS AMENDED ON FIRST READING to December 7, 2010, by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101062 [Health Code - Updating Enforcement and Compliance Procedures for Nuisance]
Sponsors: Avalos; Campos

Ordinance amending San Francisco Health Code Article 11 by amending Sections 580, 581, 596, 599, and 600, and adding Sections 596.5, and 610 to: 1) update nuisance definitions; 2) add potential attorneys' fees recovery for the prevailing party in those cases which the City elects to recover attorneys' fees; 3) add civil penalties; and 4) expand administrative penalties and procedures.

Ordinance No. 299-10

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

NEW BUSINESS

Recommendations of the Budget and Finance Committee

101331 [Prevailing Wage Rates - Various Workers Performing Work Under City Contracts]

Resolution fixing prevailing wage rates for: (1) workers performing work under City contracts for public work and improvement; (2) workers performing work under City contracts for janitorial services; (3) workers performing work in public off-street parking lots, garages, or storage facilities for automobiles on property owned or leased by the City; (4) workers engaged in theatrical or technical services for shows on property owned by the City; (5) workers performing moving services under City contracts at facilities owned or leased by the City; and (6) workers engaged in the hauling of solid waste generated by the City in the course of City operations, pursuant to a contract with the City. (City Attorney)

Resolution No. 561-10

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101386 [Water Revenue Bonds Issuance for 2010 - Not to Exceed $600,000,000]
Sponsor: Elsbernd

Resolution approving the issuance of water revenue bonds and water revenue refunding bonds in an aggregate principal amount not to exceed $600,000,000 to be issued by the Public Utilities Commission of the City and County of San Francisco; affirming covenants contained in the indenture pursuant to which the water revenue bonds are issued; authorizing the taking of appropriate actions in connection therewith; and related matters.

Resolution No. 562-10

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

101075 [Building Code - Development Fee Collection Procedure and Administrative Fee]
Sponsor: Mayor

Ordinance amending the San Francisco Building Code by amending Section 107A.13 to modify the method of calculating the development fee deferral surcharge rate and to clarify when a project sponsor may elect to defer the payment of development impact and in-lieu fees, adopting environmental finding.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101193 [Approving General Plan Amendments in Connection with the Better Streets Plan]
Sponsors: Mayor; Mar and Campos

Ordinance amending the Urban Design and Transportation Elements of the San Francisco General Plan to incorporate the San Francisco Better Streets Plan by reference, and to make objectives and policies relating to pedestrian transportation consistent with the Better Streets Plan; making environmental findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1.

Supervisor Campos requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Maxwell, seconded by Supervisor Dufty, moved to rescind the previous vote. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Maxwell, seconded by Supervisor Mar, moved that this Ordinance be AMENDED on Page 3, Lines 15-21, by adding 'l. The Board of Supervisors also finds that the proposed General Plan Amendments in this legislation and the San Francisco Bicycle Transportation Plan and General Plan amendments related thereto are intended, in part, to satisfy the requirements of California Government Code Section 65302(b)(2)(A), a provision of the California Completed Streets Act of 2008. The Board adopted the Bicycle Transportation Plan and related General Plan amendments, in Ordinance No. 188-09, which is on file with the Clerk of the Board in File No. 090868 and incorporated herein by reference.' The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101194 [Administrative Code, Public Works Code and Subdivision Code - Better Streets Plan Implementation]

Sponsors: Mayor; Mar and Campos

Ordinance adopting the Better Streets Plan; amending Chapter 98.1 of the Administrative Code to require street improvements to conform with the policies and guidance of the San Francisco Better Streets Plan (Better Streets Plan); amending various sections of the Planning Code to consolidate requirements for street improvements; to require street improvements to follow the policies and guidance of the Better Streets Plan; to expand and modify existing requirements for provision of street trees; to require specified projects to submit a streetscape plan with application submission; and to describe additional requirements for certain areas of the City subject to neighborhood streetscape plans, including Downtown and Rincon Hill; amending various sections of the Public Works Code to be consistent with the Better Streets Plan, including waiving public right-of-way occupancy fees for Better Streets Plan elements; amending Sections 1335, 1336, and 1337 of the Subdivision Code to require streetscape, pedestrian, and stormwater improvements consistent with the Better Streets Plan as part of subdivision approvals; and making findings, including environmental findings and findings that the Planning Code amendments and General Plan amendments are consistent, on balance, with the General Plan and Planning Code Section 101.1.

Supervisor Campos requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101219 [Relocation Impact Study and Last Resort Housing Plan for Central Subway Project]

Ordinance approving the San Francisco Municipal Transportation Agency's Relocation Impact Study and Last Resort Housing Plan for the Central Subway Project. (Municipal Transportation Agency)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Public Safety Committee

101190 [Police Code - Registration and Other Requirements for Event Promoters]

Sponsors: Chiu; Maxwell

Ordinance adding Article 15.7 to the San Francisco Police Code, requiring event promoters to register with the Entertainment Commission; prohibiting holders of certain entertainment-related permits, and registered promoters, from retaining an unregistered promoter to hold an event; and authorizing under certain circumstances for certain promoters reporting requirements, increased security plan requirements for events they promote, general liability insurance requirements, a criminal background check requirement, and other requirements.

Supervisor Chiu, seconded by Supervisor Mirkarimi, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Chiu, seconded by Supervisor Avalos, moved that this Ordinance be RE-REFERRED to the Public Safety Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

101456 [Public Hearing - Process for the Appointment of a Successor Mayor; Possibly Amending Rules of Order]

Hearing to discuss the proposed Motion to consider and approve a one-time process to appoint a successor Mayor, if a vacancy occurs; possibly amending the Rules of Order by adding a new Section 7, creating said process; and waiving Rule 4.38, which refers amendments to the Rules of Order to the Rules Committee. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to the proposed selection process as referenced in File No. 101457. Angela Calvillo, Clerk of the Board, provided an overview of the proposed process. A question and answer period followed. Ms. Calvillo responded to questions raised throughout the discussion. Francisco DaCosta; Abdallah Megaheed; Walter Paulson; Stephanie Lemos; Julian Davis; Daniel Landry; Male Speaker; Eric Brooks; Douglas Yep; Antonio Morales; Male Speaker; Male Speaker; Female Speaker; Otto Duffy; expressed various concerns relating to proposed process. There were no other speakers. Another question and answer period followed. Orry P. Korb and Nancy J. Clark, Outside Counsel from Santa Clara County, responded to questions raised throughout the discussion. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

101457 [Creating a Process for the Appointment of a Successor Mayor]

Motion to consider and approve a one-time process to appoint a successor Mayor, if a vacancy occurs; possibly amending the Rules of Order by adding a new Section 7, creating said process; and waiving Rule 4.38, which refers amendments to the Rules of Order to the Rules Committee. (Clerk of the Board)

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that Exhibit A to this Motion be AMENDED. The motion carried by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi
Noes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell

Motion No. M10-178

APPROVED AS AMENDED. The motion FAILED by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi
Noes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that Exhibit A to this Motion be AMENDED to remove that would require a two-thirds vote according to Roberts' Rules of Order. The motion carried by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi
Noes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be AMENDED on Page 1, Lines 1-2 by deleting '; Possibly Amending Rules of Order' and Lines 5-6 by deleting '; possibly amending the Rules of Order by adding a new Section 7,' and Lines 6-7 by deleting '; and waiving Rules 4.38, which refers amendments to the Rules of Order to the Rules Committee.' The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Motion to consider and approve a one-time process to appoint a successor Mayor, if a vacancy occurs and create said process. (Clerk of the Board)

Motion No. M10-178

APPROVED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

101466 [Public Hearing - Appointment of a Successor Mayor]
Sponsor: Daly
Hearing to discuss the proposed Motion to take nominations and appoint a successor Mayor in the event of a vacancy in the Office of the Mayor.

Pursuant to the actions of File No. 101465 this Hearing is CONTINUED to December 7, 2010.

Committee of the Whole Adjourn and Report

101467 [Appointment of a Successor Mayor]
Sponsor: Daly
Motion to take nominations and appoint a successor Mayor in the event of a vacancy in the Office of the Mayor.

Pursuant to the actions of File No. 101465 this Motion is CONTINUED to December 7, 2010.

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Chu, seconded by Supervisor Avalos, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Chu introduced, welcomed, and presented a Certificate of Honor to the members of the Caper Cutters in recognition of 60 years of do-se-doing, their accomplishments, and continued community support.

Supervisor Avalos introduced, welcomed, and presented a Certificate of Honor to MamaCoAtl Chantiko in recognition of her accomplishments and continued community support.

COMMITTEE REPORTS

From the Rules Committee Without Recommendation

101237 [Appointment, Planning Commission - Rodney Fong]
Sponsor: Mayor
Motion approving the Mayor's appointment of Rodney Fong to the Planning Commission term ending July 1, 2014.
(Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File No. 101238. Transmittal date - September 24, 2010.)

Motion No. M10-175

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101238 [Appointment, Planning Commission - Rodney Fong]
Motion rejecting the Mayor's appointment of Rodney Fong to the Planning Commission term ending July 1, 2014.
(Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File No. 101237. Transmittal date - September 24, 2010.)

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Walter Paulson; shared in song certain concerns with the Board.
Female Speaker; expressed concerns relating to appointing successor Mayor.
Male Speaker; expressed concerns relating to security guards and officers.
Francisco DaCosta; expressed various concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

101390 [Gift Acceptance - Equipment and Furnishings - $14,000]
Sponsor: Elsbernd
Resolution authorizing the Department of Public Health, Laguna Honda Hospital and Rehabilitation Center, to accept a gift of merchandise, furniture, fixtures and equipment from Laguna Honda Volunteers, Inc. with a monetary value of up to $14,000.

Resolution No. 560-10

ADOPTED

101451 [Accept and Expend Grant - High Risk Program and Pest Exclusion/Nursery Inspection - $47,796]
Sponsor: Alioto-Pier
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively two grants (Agreement Nos. 10-0539 and 10-0404) totaling $47,796 from the California Department of Food and Agriculture to fund the High Risk Program and the Pest Exclusion/Nursery Inspection, both for the period of July 1, 2010, through June 30, 2011.

Resolution No. 559-10

ADOPTED

101452 [Accept and Expend Grant - Crucial Transitions in Young Opioid Users in Iran - $6,280]
Sponsor: Chu
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $6,280 from the University of California San Francisco, to participate in a program entitled "Crucial Transitions in Young Opioid Users in Iran," for the period of November 1, 2010, through August 31, 2011.

Resolution No. 558-10

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Daly requested that File No. 101407 be severed so that it may be considered separately.

101407 [Committee of the Whole - December 7, 2010 - Public Hearing to Acquire Various Real Properties by Eminent Domain for Transbay Transit Center Program]
Sponsor: Daly

Motion that the Board of Supervisors hold a public hearing on December 7, 2010, at 3:00 p.m., with the Board of Supervisors sitting as a Committee of the Whole, to consider acquisition of various real properties by eminent domain for the public purpose of constructing the Transbay Transit Center Program.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be AMENDED on Page 2, Lines 10-14, by replacing '85 Natoma Street (File Nos. 101441 and 101442) (Block No. 3721, Lot Nos. 109-118)' with '13 parking easement interests across and through 85 Natoma Street (File Nos. 101441 and 101442) (Benefitted parcels Block No. 3721, Lot Nos. 093-105; burdened parcels Block No. 3721, Lot Nos. 109-118).' The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Motion No. M10-176

APPROVED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Chiu requested that File Nos. 101455 and 101465 be severed so that they may be considered separately.

101455 [Committee of the Whole - Public Hearing to Create a Process for the Appointment of a Successor Mayor; Possibly Amending Rules of Order]

Motion that the Board of Supervisors convene as a Committee of the Whole on November 23, 2010, at 3:00 p.m. to approve a one-time process to appoint a successor Mayor, if a vacancy occurs; possibly amending the Rules of Order by adding a new Section 7, creating said process; and waiving Rule 4.38, which refers amendments to the Rules of Order to the Rules Committee. (Clerk of the Board)

Motion No. M10-177

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101465 [Committee of the Whole - Public Hearing to Take Nominations and Appoint a Successor Mayor in the Event of a Vacancy in the Office of the Mayor]
Sponsor: Daly

Motion that the Board of Supervisors convene as a Committee of the Whole on November 23, 2010, at 3:00 p.m., to discuss the proposed Motion to take nominations and appoint a successor Mayor in the event of a vacancy in the Office of the Mayor.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be AMENDED on Page 1, Line 5, by replacing 'November 23' with 'December 7' and Line 9 by replacing 'November 23' with 'December 7.' The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Motion that the Board of Supervisors convene as a Committee of the Whole on December 7, 2010, at 3:00 p.m., to discuss the proposed Motion to take nominations and appoint a successor Mayor in the event of a vacancy in the Office of the Mayor.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED AS AMENDED to December 7, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or Mayor

Charter Amendment

101493 [Charter - Compensation of Board of Education Members]
Sponsors: Dufty; Campos, Mar, Avalos and Chiu

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Sections 8.100, 12.202, and A8.502, to increase the compensation for members of the Board of Education from a monthly stipend of $500 to $50,000 per year, allow members to participate in the City's employee health and pension systems, establish training and professional development requirements, and require the City annually to appropriate to the Unified School District an amount sufficient to pay the salaries and benefits of the members of the Board of Education.

11/23/10; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 12/23/2010.

Ordinances

101410 [Airport Promotion and Event Fund]
Sponsor: Mayor
Ordinance establishing a special fund to receive donations and authorizing expenditures for the purpose of holding events to promote the opening of the newly renovated Terminal 2 of the San Francisco International Airport; and deleting obsolete provisions.

11/23/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101419 [Environment Code - Cell Phones; Retailers' Duty to Disclose Specific Absorption Rate Values]
Sponsor: Mar
Ordinance amending the San Francisco Environment Code by amending Sections 1103 and 1105, to require cell phone retailers to provide customers upon request with factsheets regarding Specific Absorption Rate values for cell phones and the use of cell phones, and to delay the enforcement date for certain provisions of the Chapter 11, the "Cell Phone Right-to-Know Ordinance," and making environmental findings.

11/23/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

101422 [Transportation Code, Police Code - Motor Vehicles for Hire and Enforcing Parking Laws]
Sponsor: Chiu
Ordinance amending Article 3 of Division I of the San Francisco Transportation Code to allow certain Municipal Transportation Agency employees to enforce specified parking laws and order removal of vehicles, and amending Article 7 of Division I of the Transportation Code to make it a misdemeanor to operate a taxi, a dispatch service, or a color scheme, or to drive a motor vehicle for hire, without a permit, to solicit or accept payment for referral of passengers to a motor vehicle for hire, to solicit or accept payment for motor vehicle for hire shifts, assignments or dispatch calls, to knowingly make false or misleading representations in connection with application for, renewal of, possible revocation of, or operation of a vehicle pursuant to a permit issued under Article 1100 of the San Francisco Transportation Code, to refuse to pay the legal fare to a driver of a motor vehicle for hire, and to charge excessive rates for transport in a motor vehicle for hire; and amending the San Francisco Police Code by deleting Sections 1078, 1089, 1105, 1110, 1132, 1135, and 1145.

11/23/10; ASSIGNED UNDER 30 DAY RULE to Public Safety Committee, expires on 12/23/2010.

101478 [Park Code - Single Entrance Fee for Visitors to Enter Multiple Recreation and Park Sites]
Sponsor: Mirkarimi
Ordinance amending San Francisco Park Code, Article 12, by adding Section 12.49 to: 1) establish entrance fees for multiple park facilities; 2) require Commission approval of contracts and grants for the collection of fees; and making environmental findings.
(Fiscal Impact.)

11/23/10; ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee.

101480 [Administrative Code - Reentry Council; Composition of Membership, Powers and Duties, and Sunset Date]
Sponsor: Mirkarimi
Ordinance amending San Francisco Administrative Code Sections 5.1-1, 5.1-3, 5.1-4, and 5.1-6 to amend the membership, powers and duties, and sunset date of the Reentry Council.

11/23/10; ASSIGNED UNDER 30 DAY RULE to Rules Committee.

101311 [Administrative Code - San Francisco Local Hiring Policy for Construction]
Sponsors: Avalos; Mirkarimi, Campos, Daly and Mar
Ordinance amending the San Francisco Administrative Code Chapter 6, Public Works Contracting Policies and Procedures, Subsection 6.22(G) to: 1) establish a local hiring policy for City public work or improvement projects requiring contractors and their subcontractors to perform certain percentages of project work hours using San Francisco residents and disadvantaged San Francisco residents; 2) making findings in support of the policy; 3) authorizing incentives for contractors and subcontractors who exceed local hiring requirements; 4) mandating assessment of liquidated damages against contractors and subcontractors who fail to meet minimum local hiring requirements; and 5) establishing monitoring, enforcement, and administrative procedures in support of the policy.
(Economic Impact; Fiscal impact.)

10/19/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/18/2010.

10/27/10; REFERRED TO DEPARTMENT.

11/19/10; TRANSFERRED to Budget and Finance Committee.

11/23/10; SUBSTITUTED AND ASSIGNED to Budget and Finance Committee.

101105 [Environment Code - Existing Commercial Buildings Energy Performance]
Sponsors: Mayor; Dufty and Chiu
Ordinance amending the San Francisco Environment Code by adding Chapter 20, Sections 2000 through 2009, to adopt the San Francisco Existing Commercial Buildings Energy Performance Ordinance, requiring owners of nonresidential buildings to conduct Energy Efficiency Audits of their properties and file Annual Energy Benchmark Summaries for their buildings, and making environmental findings.

08/10/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 9/9/2010.

09/01/10; REFERRED TO DEPARTMENT.

09/28/10; RESPONSE RECEIVED.

09/28/10; RESPONSE RECEIVED.

11/23/10; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

101091 [Planning Code - Notice Requirement for "Other Entertainment Uses" in the Van Ness Avenue Special Use District]
Sponsors: Alioto-Pier; Chiu
Ordinance amending the San Francisco Planning Code by amending Sections 243 and 209.8 to require conditional use authorization for "Other Entertainment Uses" in the Van Ness Avenue Special Use District and that the Commercial Establishment use controls of the nearest C-2 District apply in RC Districts; adopting findings, including findings under Section 302 of the Planning Code, environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

09/03/10; REFERRED TO DEPARTMENT.

09/20/10; RESPONSE RECEIVED.

11/23/10; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

Resolutions

101413 [Accept and Expend Grant - Congestion Management Agency Block Grant - $11,553,000]
Sponsor: Mayor
Resolution authorizing the Department of Public Works to accept and expend $11,553,000 in federal Surface Transportation Program and/or Congestion Mitigation and Air Quality Improvement funds awarded through the Metropolitan Transportation Commission's Congestion Management Agency Block Grant Program.

11/23/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101416 [Management Agreement/Lease - Stow Lake Boathouse, LLC - Operation of the Stow Lake Boathouse Concession]
Sponsor: Mar
Resolution authorizing the Recreation and Park Department General Manager to enter into a lease with Stow Lake Boathouse, LLC, for the operation of the Stow Lake Boathouse Concession in Golden Gate Park.

11/23/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101425 [Protecting and Preserving the Palace of Fine Arts Swans]
Sponsor: Alioto-Pier
Resolution endorsing the presence of swans at the Palace of Fine Arts lagoon, and urging the Recreation and Park Department, Animal Care and Control, and the San Francisco Police Department to develop a plan for the protection and preservation of swans in the Palace of Fine Arts lagoon.

11/23/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101428 [Grant Agreements - Bicycle Projects - $166,200]
Sponsor: Mar
Resolution approving three Bicycle Facility Program Grant Agreements with the Bay Area Air Quality Management District with contract terms of more than 10 years.

11/23/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101431 [Lease - Portsmouth Plaza Parking Corporation for Operation of the Portsmouth Square Garage]
Sponsor: Chiu
Resolution authorizing the Recreation and Park Department General Manager to enter into a lease with Portsmouth Plaza Parking Corporation for the operation of the Portsmouth Square Garage.
11/23/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101437 [Ground Lease - Redevelopment Agency Land at 701 Golden Gate Avenue to Mary Helen Rogers Senior Community, LP]
Sponsor: Daly
Resolution approving the Redevelopment Agency of the City and County of San Francisco's lease of land at Assessor's Block No. 768, Lot No. 13, commonly known as 701 Golden Gate Avenue, southwest corner of Golden Gate Avenue and Franklin Street, San Francisco, California in San Francisco's Western Addition neighborhood, to Mary Helen Rogers Senior Community, LP, a California limited liability corporation, for 70 years for the purpose of developing housing for very low-income senior households.
11/23/10; RECEIVED AND ASSIGNED to Board of Supervisors.

101453 [Professional Services Agreement - Howard, Needles, Tammen & Bergendoff - $11,704,955]
Sponsor: Mayor
Resolution approving the Professional Services Agreement, Airport Contract 9015.1 Master Architect for Replacement Air Traffic Control Tower/Terminal 1 Complex Redevelopment Program between Howard, Needles, Tammen & Bergendoff, and the City and County of San Francisco, acting by and through its Airport Commission, in the lump sum amount of $11,704,955, and a contingency budget of $1,626,412 for Airport and FAA requested changes, pursuant to San Francisco Charter Section 9.118(b).
(Fiscal Impact.)
11/23/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101482 [Annual Reports - Castro/Upper Market Community Benefit District]
Sponsor: Dufty
Resolution regarding Castro/Upper Market Community Benefit District annual reports to the City: receiving and approving the District's Annual Reports for FYs 2006-2007, 2007-2008, and 2008-2009, as submitted pursuant to Section 36650 of the Business Property and Community Benefit Act of 1994 (California Streets and Highways Code §§36600 et seq.) and Section 3.4 of the District's management contract with the City.
11/23/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

101484 [Accept and Expend Grant - Bayview Hunters Point Healthy Homes Project - $249,555]
Sponsor: Maxwell
Resolution authorizing the Department of the Environment to retroactively accept and expend a grant in the amount of $249,555 from the United States Department of Health and Human Services, Centers for Disease Control and Prevention to support the Bayview Hunters Point Healthy Homes Project by developing policies and services to improve indoor air quality in public housing.
11/23/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

101485 [Southeast Digester Task Force - Biosolids Digester Facility Project]
Sponsor: Maxwell
Resolution urging the Public Utilities Commission to incorporate the Southeast Digester Task Force recommendations into the Biosolids Digester Facility Project, to select the preferred site and expedite implementation.

11/23/10; RECEIVED AND ASSIGNED to Rules Committee.

101486 [Commending the Community Benefits Program]
Sponsor: Maxwell
Resolution commending the San Francisco Public Utilities Commission's Community Benefits Program.

101487 [Single Room Occupancy Task Force]
Sponsors: Dufty; Campos
Resolution amending the Single Room Occupancy Task Force to accurately reflect the administration of the program and to alter the membership of the task force to accurately reflect this change.

11/23/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101488 [Assessment Ballots for City Parcels to Form the Proposed Civic Center Community Benefit District]
Sponsor: Mayor
Resolution authorizing the Mayor to cast ballots in the affirmative on behalf of the City and County of San Francisco as owner of 11 parcels of real property over which the Board of Supervisors has jurisdiction, where those parcels would be subject to assessment in the proposed property and business improvement district to be named the Civic Center Community Benefit District.

11/23/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101489 [Authorizing Use of General Fund Dollars as Matching Funds for Federal Medicaid Funding]
Sponsor: Mayor
Resolution authorizing the Department of Public Health to use General Fund dollars as matching funds to receive federal Medicaid funding for services provided through the Community-Living Support Benefit Waiver (AB 2968).

11/23/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101259 [34th America's Cup Host City Agreement and Finding of Fiscal Feasibility]
Sponsors: Mayor; Chiu, Mirkarimi, Alioto-Pier, Chu, Dufty and Maxwell
Resolution approving a Host City and Venue Agreement among the City, the America's Cup Event Authority and the San Francisco America's Cup Organizing Committee; authorizing the Mayor or his designee and the Port to execute the Host City and Venue Agreement; authorizing and urging the Mayor, Office of Economic and Workforce Development, Port and such other City Officials as appropriate to take such steps and execute such additional agreements as are consistent with the Host City and Venue Agreement and this Resolution to bring the 34th America's Cup to the San Francisco Bay; and finding that the proposed Event is fiscally feasible as set forth in Administrative Code Chapter 29.
(Economic Impact, Fiscal Impact.)

11/09/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

11/16/10; SUBSTITUTED AND ASSIGNED to Budget and Finance Committee.

11/23/10; SUBSTITUTED AND ASSIGNED to Budget and Finance Committee.

Motion

101434 [Committee of the Whole - Public Hearing on Ground Lease of Redevelopment Agency Land at 701 Golden Gate Avenue to Mary Helen Rogers Senior Community, LP]
Sponsor: Daly
Motion scheduling the Board to sit as a Committee of the Whole on December 14, 2010, at 3:00 p.m., to hold a public hearing on the Resolution approving the Redevelopment Agency of the City and County of San Francisco's lease of land at Assessor's Block No. 768, Lot No. 14, commonly known as 701 Golden Gate Avenue, southwest corner of Golden Gate Avenue and Franklin Street, San Francisco, California in San Francisco's Western Addition neighborhood, to Mary Helen Rogers Senior Community, LP, a California limited liability corporation, for 70 years for the purpose of developing housing for very low-income senior households.

11/23/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

101490 [Hearing - Short-Turning of Light Rail Vehicles]
Sponsor: Chu
Hearing on the policy of short-turning or early turn-arounds of the Municipal Transportation Agency's LRV's, the reasons for and frequency of this practice, and the communication plan to inform the affected riders.

11/23/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

101491 [Hearing - Haight Ashbury Neighborhood Council's Recycling Center and Plant Nursery]

Sponsor: Mirkarimi

Hearing to review the status of the Haight Ashbury Neighborhood Council's Recycling Center and Plant Nursery, and the role of recycling centers in reaching the City's goal of producing zero waste by 2020.

11/23/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

101492 [Hearing - Public Utilities Commission Energy Resources Plan]

Sponsor: Maxwell

Hearing on the status of the Public Utilities Commission's work to update the Energy Resources Plan.

11/23/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

Introduced by the President at the Request of a Department

PROPOSED ORDINANCES

101463 [Settlement of Lawsuit - Lexington Insurance - City to Receive $2,750,000; Appropriating Settlement Proceeds]

Ordinance authorizing settlement of the lawsuit entitled City and County of San Francisco v. Lexington Insurance Company, San Francisco County Superior Court Case No: CGC-10-498967 (Action), removed to United States District Court, N.D. Cal., Case No: 3:10-CV1-02188-SI, arising from an insurance coverage dispute involving a claims-made Designers and Construction (i.e., professional liability) Project Specific Professional Liability and Pollution Liability Policy issued by Lexington Insurance Company (Lexington) to the San Francisco Public Utilities Commission for the period February 1, 2002, to February 1, 2006, policy number 1152114 (Lexington Policy), calling for payment of $2,750,000 from Lexington to the City and County of San Francisco and including other material terms of said settlement: (1) Lexington will have no further obligations under the Lexington Policy and said policy shall be considered null and void and of no further force and effect; (2) San Francisco will defend and hold harmless and indemnify Lexington from and against any demand against Lexington made under the Lexington Policy; (3) all parties will execute a mutual release; (4) San Francisco will execute and file a dismissal of all claims with prejudice; (5) the City and Lexington each shall bear its own legal costs and fees arising from this action; and appropriating the full proceeds from the settlement to fund the San Francisco Public Utilities Commission's attorney fees and legal expenses related to certain pending litigation matters. (City Attorney)

11/15/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101464 [Planning Code - Zoning - Amendment of Upper Market Neighborhood Commercial District; Extension of Market and Octavia Community Infrastructure Fee Area]

Ordinance amending the San Francisco Planning Code by amending Sections 134, 145.4, 151.1, 155, 207.7, 207.8, 263.20, 401, 416, 416.3, 416.5, 421.1, 421.3, 421.5, 721, and 721.1 to amend the Upper Market Street Neighborhood Commercial District and to extend the Market and Octavia impact fees area to include the portion of the Upper Market Street Neighborhood Commercial District lying outside the Market and Octavia Plan area; grandfathering certain pipeline projects from payment of the infrastructure fee; and adopting findings, including environmental findings. Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Commission)

11/15/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

PROPOSED RESOLUTIONS

101460 [Airport Concession Lease - Melshire DFW, L.P.]

Resolution approving the Terminal 2 Specialty Store Lease between Melshire DFW, L.P. dba Natalie's Candy Jar, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

11/10/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101461 [Contract Amendment - Sunol Valley Regional Construction Management Services - Water System Improvement Program Projects - Not to Exceed $19,000,000]

Resolution authorizing an amendment to the San Francisco Public Utilities Commission contract CS- 915R for Sunol Valley Regional Construction Management Services in the amount not to exceed $3,000,000, for a total agreement not to exceed amount of $19,000,000 to fund Construction Management Services for Bioregional Habitat Restoration actions required for various Water System Improvement Program Projects within the Sunol Valley Region, Alameda County, pursuant to Charter Section 9.118, and adopting findings pursuant to the California Environmental Quality Act. (Public Utilities Commission)
(Fiscal Impact.)

11/15/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101462 [Contract Amendment - Peninsula Habitat Restoration Construction Management Services - Water System Improvement Program Projects - Not to Exceed $26,000,000]

Resolution authorizing an amendment to the San Francisco Public Utilities Commission Contract No. CS- 916 for Peninsula Regional Construction Management Services in the amount not to exceed $ 4,000,000, for a total agreement not to exceed amount of $26,000,000 to fund Construction Management Services for Bioregional Habitat Restoration actions required for various Water System Improvement Program Projects within the Peninsula Region, San Mateo County, pursuant to Charter Section 9.118, and adopting findings pursuant to the California Environmental Quality Act. (Public Utilities Commission)
(Fiscal Impact.)

11/15/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Mirkarimi
To: City Attorney
Requesting/Inquiring: Requesting that the City Attorney draft an ordinance establishing a Sea Level Rise Adaptation Policy to be proposed by an intracity task force requiring the City Administrator, in conjunction with DPW, SFO, Planning, DBI, Redevelopment, Port, Recreation and Parks, MTA, SFPUC, Environment Department, Mayor's Office, and other relevant City departments to develop a proposed Sea Level Rise Adaptation Strategy examining potential future flood risks associated with a range of sea level rise over the next century, including engineered and non-engineered adaptive strategies. In developing policy recommendations, the City Administrator should consult with agencies with purview over San Francisco Bay and the waters outside of the Golden Gate, including the Federal Emergency Management Agency, the U.S. Army Corps of Engineers, the National Oceanic and Atmospheric Agency, the San Francisco Bay Conservation and Development Commission and the California Coastal Commission.
The ordinance should also provide that the final recommendation of the task force submitted to the Board of Supervisors shall become the official Sea Level Rise Adaptation Policy of the City and County of San Francisco upon ratification by resolution of the Board of Supervisors.

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from newsstands at the following locations:

San Francisco Bay Guardian
Southeast corner of Fillmore and Post
Southwest corner of Divisadero and Sutter
9th Avenue and Judah (near bus stops)
7th Avenue and Irving (near bus stops)
Northwest corner of Hayes and Fillmore
Southeast corner of Fillmore and Haight

San Francisco Chronicle
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore
Irving and 9th Avenue
Irving and 7th Avenue
Southwest corner of Haight and Clayton
Southeast corner of Haight and Masonic
Examiner
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore

SF Daily
Northwest corner of Hayes and Gough

City Star
Northwest corner of Hayes and Gough
Southeast corner of Fillmore and Haight

SF Weekly
Southeast corner of Masonic and Haight
Southeast corner of Haight and Fillmore

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti at the following locations:

Garbage Cans
Northwest corner of Golden Gate and Laguna
Southeast corner of Scott and Fulton
In front of 1855 Haight
All three cans on Stanyan and Haight
Northeast corner of Divisadero and Golden Gate
Northeast corner of Geary and Divisadero

Mailboxes
Southwest corner of Geary and Laguna
Northeast corner of Scott and McAllister

Vacant Lots
Northwest corner of Divisadero and Ellis
Parking lot northwest corner of Haight and Stanyan

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of repairing potholes at the following locations:

Potholes, Lights and Sidewalk Issues
At 1150 Scott
175 Carl
1833 Scott
50 Shrader
530 Scott
Curb repair at northwest corner of Divisadero and Waller
Sidewalk at 2611 Pine

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti at the following private property locations:

1826 Divisadero
1910 Divisadero
1918 Dlvisadero
201 Webster
122 Webster
249 Webster
159 Webster
1600 Post
301 ½ Webster
900 Haight
901 Haight
906 Haight
1299 Haight
401 Divisadero
616 Divisadero
655 Divisadero
848 Divisadero

Across the street from 625 Willow
890 Page
796 Haight
799 Haight
198 Haight
100 Scott
670 Waller
702 Haight
682 Haight
630B Haight
604A Haight
598 Haight
542 Haight
546 Haight
585 Hayes

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations:

Metal Pole:
In front of 1002 Scott
In front of 1005 Laguna
In front of 1022 Scott
In front of 1030 Shrader
In front of 1108 Divisadero
In front of 1149 Laguna
Southwest corner of Willow and Laguna
Southeast corner of Scott and Haight
In front of 1221 Masonic
Southeast corner of Page and Scott

Wood Poles
Northeast corner of 16th Avenue and Judah
In front of 2060 Fillmore
Southeast corner of Elm and Scott
Southwest corner of Divisadero and Oak
In front of 617 and 681 Ivy
In front of 21 Shrader

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti at the following public property locations:

Utility Boxes
Southwest corner of Waller and Steiner
Northeast corner of Eddy and Divisadero
Southeast corner of Stanyan and Oak
In front of 1055 Laguna
Southeast corner of Webster and Fell
Northeast corner of Shrader and Oak
Northwest corner of Divisadero and Pine

Bus Shelters
Southwest corner of Buchanan and Haight
Southeast corner of Buchanan and Hayes
Northwest corner of Pine and Fillmore
Northwest corner of Divisadero and Haight
Southeast corner of Geary and Scott
Northeast corner of Stanyan and Parnassus
Southwest corner of Geary and Scott
Southwest corner of Stanyan and Parnassus
Southwest corner of Pierce and Haight
Fillmore and Haight (all 4 bus stops, graffiti and grime on canopies)

Fire Hydrants
Southeast corner of Scott and Fell
Northeast corner of Fulton and Fillmore

Emergency Boxes
Southwest corner of Grattan and Stanyan
Southwest corner of Belgrave and Shrader
Near 2725 California

In Memoriams

Fred Goldhaber – Supervisors Dufty and Campos
Jerome A. DeFilippo – Supervisor Dufty
James Francis Coleman – Supervisor Dufty

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 7:12 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on January 4, 2011.

Angela Calvillo, Clerk of the Board

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

GOVERNMENT
DOCUMENTS DEPT

DEC 16 2011

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PUBLIC LIBRARY

Tuesday, December 7, 2010 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Elsbernd	Wednesday 11:00 AM
City and School District Select Committee Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, Avalos, Dufty	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mar, Chu, Maxwell	2nd and 4th Thursday 10:30 AM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Elsbernd	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Alioto-Pier, Mar	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:12 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Campos, moved to approve the Board Meeting Minutes of October 26, 2010, and November 2, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMUNICATIONS

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of correspondence from John Arntz, Director of Elections, certifying the results of the votes as cast at the General Municipal Election held on November 2, 2010.

CONSENT AGENDA

Recommendations of the City Operations and Neighborhood Services Committee

101299 [Accept and Expend Grant - Installation of Art at the Civic Center Plaza - $70,000]
Sponsor: Mayor
Resolution authorizing the San Francisco Arts Commission to retroactively accept and expend a grant in the amount of $70,000 from the National Endowment for the Arts for the installation of Zhang Huan's Three Heads, Six Arms at the Civic Center Plaza.

Resolution No. 583-10

ADOPTED

101329 [Liquor License Transfer - 163 Jessie Street]
Resolution determining that the transfer of a Type 48 on-sale general public premises liquor license from 730-732 Broadway Street to 163 Jessie Street (District 6), to Jon Gasparini for the Jessie Street Cafe, will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Resolution No. 577-10

ADOPTED

Recommendations of the Land Use and Economic Development Committee

101194 [Administrative Code, Public Works Code and Subdivision Code - Better Streets Plan Implementation]
Sponsors: Mayor; Mar and Campos
Ordinance adopting the Better Streets Plan; amending Chapter 98.1 of the Administrative Code to require street improvements to conform with the policies and guidance of the San Francisco Better Streets Plan (Better Streets Plan); amending various sections of the Planning Code to consolidate requirements for street improvements; to require street improvements to follow the policies and guidance of the Better Streets Plan; to expand and modify existing requirements for provision of street trees; to require specified projects to submit a streetscape plan with application submission; and to describe additional requirements for certain areas of the City subject to neighborhood streetscape plans, including Downtown and Rincon Hill; amending various sections of the Public Works Code to be consistent with the Better Streets Plan, including waiving public right-of-way occupancy fees for Better Streets Plan elements; amending Sections 1335, 1336, and 1337 of the Subdivision Code to require streetscape, pedestrian, and stormwater improvements consistent with the Better Streets Plan as part of subdivision approvals; and making findings, including environmental findings and findings that the Planning Code amendments and General Plan amendments are consistent, on balance, with the General Plan and Planning Code Section 101.1.

Ordinance No. 310-10

FINALLY PASSED

101075 [Building Code - Development Fee Collection Procedure and Administrative Fee]
Sponsor: Mayor
Ordinance amending the San Francisco Building Code by amending Section 107A.13 to modify the method of calculating the development fee deferral surcharge rate and to clarify when a project sponsor may elect to defer the payment of development impact and in-lieu fees, adopting environmental finding.

Ordinance No. 308-10

FINALLY PASSED

101219 [Relocation Impact Study and Last Resort Housing Plan for Central Subway Project]
Ordinance approving the San Francisco Municipal Transportation Agency's Relocation Impact Study and Last Resort Housing Plan for the Central Subway Project. (Municipal Transportation Agency)

Ordinance No. 307-10

FINALLY PASSED

101450 [Temporary Preservation Easement - Bayview Opera House - 4705 Third Street]
Sponsor: Maxwell
Resolution approving a temporary preservation easement affecting a City building located at 4705 Third Street, commonly known as the Bayview Opera House.

Resolution No. 576-10

ADOPTED

Recommendations of the Rules Committee

101348 [Appointments, Food Security Task Force - Karen Gruneisen, Zetta Reicker, and Deloris McGee]
Motion appointing Karen Gruneisen, Zetta Reicker, and Deloris McGee, for indefinite terms, to the Food Security Task Force. (Clerk of the Board)
Karen Gruneisen, seat 7, new appointment, must be a representative of a community-based organization that provide nutritional support and increase the food security of San Francisco residents, for a term indefinite. The community member shall be nominated by the Task Force and may include but are limited to representatives from organizations serving food in the following program types: home-delivered meals; congregate meals for seniors; food bank; free dining room; multi-service agency serving families and youth; shelter meals; and faith-based organization. No organization shall have more than one representative on the Task Force.
Zetta Reicker, seat 15, new appointment, must be from the San Francisco Unified School District, for a term indefinite.

Motion No. M10-179

APPROVED

101397 [Appointment, Bicycle Advisory Committee - Edward Nicolson]
Motion appointing Edward Nicolson, term ending November 19, 2012, to the Bicycle Advisory Committee. (Clerk of the Board)
Edward Nicolson, seat 4, succeeding Jared Washkowitz, resigned, must be a nominee of District 4 Supervisor. The member shall serve a two-year term ending November 19, 2012 or for the tenure of the supervisor who nominated the member, whichever is shorter in duration.

Motion No. M10-180

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Land Use and Economic Development Committee

101193 [Approving General Plan Amendments in Connection with the Better Streets Plan]
Sponsors: Mayor; Mar and Campos
Ordinance amending the Urban Design and Transportation Elements of the San Francisco General Plan to incorporate the San Francisco Better Streets Plan by reference, and to make objectives and policies relating to pedestrian transportation consistent with the Better Streets Plan; making environmental findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1.

Ordinance No. 309-10

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Public Safety Committee

100455 [Environment Code - San Francisco Safe Drug Disposal Ordinance]
Sponsor: Mirkarimi
Ordinance amending the San Francisco Environment Code by adding Chapter 22, Sections 2201 through 2211, to: require any person who produces a drug offered for sale in San Francisco to participate in an approved drug stewardship program for the collection and disposal of unwanted drugs from residential sources; provide for implementation, enforcement, fees, and penalties; and phase-in the application of the Chapter to non-prescription drugs and controlled substances; and making environmental findings.
(Supervisor Elsbernd dissented in Committee.)

Supervisor Mirkarimi, seconded by Supervisor Mar, moved that this Ordinance be CONTINUED ON FIRST READING to December 14, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

NEW BUSINESS

Recommendations of the Budget and Finance Committee

101121 [Accept and Expend Grant - FY2010 Regional Catastrophic Preparedness Grant Program and Amend Annual Salary Ordinance, FY2010-2011 - $3,570,000]
Sponsors: Mayor; Alioto-Pier
Ordinance authorizing the Department of Emergency Management, on behalf of the City and County San Francisco, serving as the primary grantee for the Regional Catastrophic Preparedness Grant Program Bay Area Site and as fiscal agent for the Urban Area Security Initiative Approval Authority, to retroactively accept and expend Regional Catastrophic Preparedness Grant Program grant funds in the amount of $3,570,000 from the United States Department of Homeland Security, through the California Emergency Management Agency, and to provide $181,478 as San Francisco's portion of required matching funds; and amending Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect the addition of one grant-funded position (.75 FTE) in Class 5293 Planner IV in the Department of Emergency Management.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101122 [Accept and Expend Grant - FY2010 Urban Areas Security Initiative Grant and Amend Annual Salary Ordinance, FY2010-2011 - $34,262,131]
Sponsors: Mayor; Alioto-Pier
Ordinance authorizing the Department of Emergency Management, on behalf of the City and County San Francisco, as the primary grantee for the combined Bay Area Urban Area and as the fiscal agent for the UASI Approval Authority, to retroactively accept and expend an Urban Areas Security Initiative grant in the amount of $34,262,131 from the United States Department of Homeland Security, through the California Emergency Management Agency; and amending Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect the addition of two grant-funded positions in the Department of Emergency Management, as follows: one position (.75 FTE) in Class 1823 Senior Administrative Analyst and one position (.75 FTE) in Class 1824 Principal Administrative Analyst.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100927 [Contract Approval - 18 Non-Profit Organizations and the University of California of San Francisco - Behavioral Health Services - $674,388,406]
Sponsor: Mayor
Resolution retroactively approving $674,388,406 in contracts between the Department of Public Health and 18 non-profit organizations and the University of California at San Francisco, to provide behavioral health services for the period of July 1, 2010, through December 31, 2015.
(Fiscal Impact.)

Resolution No. 563-10

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101125 [Golden Gate Park Music Concourse Garage Refinance]
Sponsor: Mar
Resolution concurring in the recommendation of the Controller and the Director of the Office of Public Finance that the issuance of not to exceed $30,000,000 Tax Exempt Bank Qualified Bonds ("Bonds") with First Republic Bank for and on behalf of the Music Concourse Community Partnership, a California nonprofit public benefit corporation, is reasonably prudent; directing the Controller and the Director of the Office of Public Finance to do everything necessary and desirable to provide for the issuance of such Bonds; and providing public approval for the Bonds and the project financed and refinanced thereby for the purposes of Section 147(f) of the Internal Revenue Code.

Supervisor Mar, seconded by Supervisor Mirkarimi, moved that this Resolution be CONTINUED to December 14, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101265 [Accept and Expend Grant - CalHome - Not to Exceed $1,500,000]
Sponsor: Mayor
Resolution authorizing the Mayor of the City and County of San Francisco to accept and expend a grant from the California Department of Housing and Community Development in a total amount not to exceed $1,500,000 to assist low-income first time homebuyers and low-income homeowners.

Resolution No. 584-10

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101387 [Design Agreement - Public Safety Building, Earthquake Safety, and Emergency Response Bond Program - Not to Exceed $17,205,152]
Sponsors: Mayor; Chiu
Resolution authorizing the Director of Public Works to execute an amendment to the professional services agreement for the design of a new public safety building under the Earthquake Safety and Emergency Response Bond Program to increase the not to exceed amount from $3,947,600 to $17,205,152.

Supervisor Chiu requested to be added as a co-sponsor.

Resolution No. 572-10

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

From the Budget and Finance Committee Without Recommendation

101311 [Administrative Code - San Francisco Local Hiring Policy for Construction]
Sponsors: Avalos; Mirkarimi, Campos, Daly and Mar

Ordinance amending the San Francisco Administrative Code Chapter 6, Public Works Contracting Policies and Procedures, Subsection 6.22(G) to: 1) establish a local hiring policy for City public work or improvement projects requiring contractors and their subcontractors to perform certain percentages of project work hours using San Francisco residents and disadvantaged San Francisco residents; 2) making findings in support of the policy; 3) authorizing incentives for contractors and subcontractors who exceed local hiring requirements; 4) mandating assessment of liquidated damages against contractors and subcontractors who fail to meet minimum local hiring requirements; and 5) establishing monitoring, enforcement, and administrative procedures in support of the policy.
(Economic Impact; Fiscal impact.)

Supervisor Daly requested to be added as a co-sponsor.

Privilege of the floor was granted to Buck Delventhal (City Attorney's Office) who responded to questions raised throughout the discussion further indicating the amendments made to File No. 101311 were non-substantive.

Supervisor Avalos, seconded by Supervisor Mirkarimi, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

Recommendation of the City Operations Committee

101310 [Public Works Code - Regulation of Freestanding Newsracks and Fixed Pedestal Newsracks]
Sponsor: Alioto-Pier

Ordinance amending the San Francisco Public Works Code by amending Sections 184.2, 184.6, 184.8, and 184.12 thereof, relating to newsracks, to provide for: (1) the use of electronic mail for notices of violations; (2) removal of abandoned newsracks or newsracks maintained in violation of the Public Works Code within 7 calendar days of notice of violation sent by electronic mail; (3) imposition of administrative fines for violations resulting in newsrack seizures; (4) consolidation and/or reduction in size of fixed pedestal newsracks at under-used locations; (5) allocation of space in newsrack boxes on a first-come-first-served basis under certain circumstances; and (6) reduction of the fixed pedestal permit fee from $60 to $50.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

Recommendations of the Land Use and Economic Development Committee

100046 [Planning Code, Administrative Code - Amending Inclusionary Housing Ordinance]
Sponsors: Mayor; Chiu and Campos

Ordinance amending the Planning Code and Administrative Code by amending the Residential Inclusionary Affordable Housing Program, Planning Code Section 415 et seq. (formerly Code Section 315 et seq.) (the "Program") to change the name of the Program to the Affordable Inclusionary Affordable Housing Program and to require all project applicants to pay the Affordable Housing Fee unless they are eligible for an alternative; making other amendments to the Program including expanding the uses of the Citywide Affordable Housing Fund, deleting provisions relating to certain requirements for off-site units, and deleting provisions requiring a refund of fees after issuance of certificate of occupancy; amending Sections 416 and 417 to make conforming amendments to the Inclusionary Affordable Housing Program; amending the Van Ness Market Special Use District, Section 249.33, to delete the provision that a project sponsor may only meet up to 50% of the Program's requirements through payment of the fee; amending Section 827 to delete the requirement that 50% of on- or off-site affordable housing units provided under Section 415 et seq. in the Rincon Hill Area Plan be provided as rental; amending the Administrative Code by amending Chapter 56 related to Development Agreements to create certain exceptions from its requirements for rental housing developments with on-site inclusionary units; and making findings including findings under the California Environmental Quality Act.

Supervisor Campos requested to be added as a co-sponsor.

Supervisor Dufty, seconded by Supervisor Campos, moved that this Ordinance be AMENDED on Page 123, Line 6, by deleting 'the Clerk and other.' The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101094 [Administrative Code - Child Care Centers for City Projects and City-Funded Private Projects]

Sponsors: Dufty; Alioto-Pier, Chiu, Mar, Maxwell and Campos

Ordinance amending the San Francisco Administrative Code by adding Chapter 29B to require a City agency, or a private developer that receives City funds for a development project, as defined, to prepare a feasibility study for providing an on-site child care center whenever it plans to construct or purchase a building, lease more than 50 percent of space in a private building for an initial term of more than one year, or alter more than 50 percent of the space in an existing building; adopting findings, including environmental findings.

Supervisor Campos requested to be added as a co-sponsor.

Supervisor Dufty, seconded by Supervisor Campos, moved that this Ordinance be AMENDED on Page 4, Lines 12-16, by replacing '(1) a development project of more than 25,000 gross square feet proposed and/or funded by a City agency; and (2) a development project of more than 25,000 gross square feet proposed by a private developer receiving any funds controlled by the City and County of San Francisco unless the developer is required to comply with Planning Code Section 414 et seq.' with '(1) a City development project of more than 25,000 gross square feet; and (2) a privately-sponsored project of more than 50,000 gross square feet receiving any funds controlled by the City and County of San Francisco unless the developer is required to comply with Planning Code Sections 414 et seq.'; and on Page 5, Lines 23-25, by replacing 'The sponsoring City agency shall be responsible for providing the information requested by DCYF and for paying DCYF for its services' with 'DCYF will provide the all of the applicable/needed data on child care need related to a specific project. DCYF would provide the child care data for demographics, existing area deficiencies, availability, and pricing. DCYF would also provide a list of appropriate consultants that have the expertise to conduct a child care feasibility study, as well as any technical assistance related to the understanding and effective use of the child care data required in the feasibility study. This would also ensure that the sponsoring department discusses the project with DCYF staff and would ensure that DCYF can educate the sponsoring department and/or their hired consultants about how to successfully implement child care services, where a need is identified.' The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101095 [Planning Code - Affordable Housing Program Exemption for Qualified Student Housing]

Sponsors: Dufty; Campos

Ordinance amending the Residential Inclusionary Affordable Housing Program, Planning Code Sections 415 et seq. to exempt certain Qualified Student Housing Projects, as defined, if the project meets certain requirements; adding corresponding definitions to Section 401; and making findings including environmental findings.
(Economic Impact.)

Supervisor Campos requested to be added as a co-sponsor.

Supervisor Dufty, seconded by Supervisor Campos, moved that this Ordinance be AMENDED on Page 26, Line 22, by deleting 'the Clerk and other.' The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101313 [Planning Code, Zoning Map - Bayshore Boulevard Home Improvement Special Use District]

Sponsors: Maxwell; Campos and Dufty

Ordinance amending the San Francisco Planning Code by adding Section 249.65 to establish the Bayshore Boulevard Home Improvement Special Use District for the properties on lots fronting Bayshore Boulevard from Jerrold Avenue south to the 1-280 Freeway, the west side of Loomis Street from Jerrold Avenue south to the 1-280 Freeway, Oakdale Avenue from Loomis Street to Bayshore Boulevard, Marengo Street from Bayshore Boulevard to Waterloo Street and the west side of Boutwell Street from Industrial Street south to the 1-280 Freeway, and also including some lots on Cortland Avenue; amending the Zoning Map of the City and County of San Francisco to rezone the designated blocks and lots from the current M-1 and P/M-1 zoning to PDR-2, P/PDR-2 and the Bayshore Boulevard Home Improvement Special Use District; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Rules Committee

101235 [Confirming Appointment, San Francisco Redevelopment Agency - Agnes Briones Ubalde]

Sponsor: Mayor

Motion confirming the appointment of Agnes Briones Ubalde to the San Francisco Redevelopment Agency for a four-year term ending September 3, 2014.

Motion No. M10-181

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101236 [Confirming Appointment, Port Commission - F.X. Crowley]

Sponsor: Mayor

Motion confirming the appointment of F.X. Crowley to the Port Commission, term ending May 1, 2014.

Motion No. M10-182

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101285 [Confirming Reappointment, Edwin Lee as City Administrator]

Sponsor: Mayor

Motion confirming the reappointment of Edwin Lee to a five-year term as City Administrator under Charter Section 3.104.

Motion No. M10-183

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M

Board of Supervisors Sitting as a Committee of the Whole

101466 [Public Hearing - Appointment of a Successor Mayor]
Sponsor: Daly
Hearing to discuss the proposed Motion to take nominations and appoint a successor Mayor in the event of a vacancy in the Office of the Mayor.

Pursuant to the actions of File No. 101465 this Hearing is CONTINUED to December 14, 2010.

Committee of the Whole Adjourn and Report

101467 [Appointment of a Successor Mayor]
Sponsor: Daly
Motion to take nominations and appoint a successor Mayor in the event of a vacancy in the Office of the Mayor.

Pursuant to the actions of File No. 101465 this Hearing is CONTINUED to December 14, 2010.

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

101500 [Public Hearing to Acquire Various Real Properties by Eminent Domain for Transbay Transit Center Program]
Sponsor: Daly

Hearing of persons interested in or objecting to proposed Resolutions authorizing the acquisition of real property commonly known as 85 Natoma Street #1 (File Nos. 101408 and 101409), (Block No. 3721, Lot No. 109); 85 Natoma Street #2 (File Nos. 101411 and 101412), (Block No. 3721, Lot No. 110); 85 Natoma Street #3 (File Nos. 101414 and 101415), (Block No. 3721, Lot No. 111); 85 Natoma Street #4 (File Nos. 101417 and 101418), (Block No. 3721, Lot No. 112); 85 Natoma Street #5 (File Nos. 101420 and 101421), (Block No. 3721, Lot No. 113); 85 Natoma Street #7 (File Nos. 101423 and 101424), (Block No. 3721, Lot No. 115); 85 Natoma Street #9 (File Nos. 101426 and 101427), (Block No. 3721, Lot No. 117); 85 Natoma Street #C1 (File Nos. 101429 and 101430), (Block No. 3721, Lot No. 118); 60 Tehama Street (File Nos. 101432 and 101433), (Block No. 3736, Lot No. 088); 564 Howard Street (File Nos. 101435 and 101436), (Block No. 3721, Lot No. 019); 568 Howard Street (File Nos. 101438 and 101439), (Block No. 3721, Lot No. 020); and 13 parking easement interests across and through 85 Natoma Street (File Nos. 101441 and 101442), (Benefitted parcels Block No. 3721, Lot Nos. 093-105; burdened parcels Block 3721, Lot Nos. 109-118) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

The President inquired as to whether any member of the public wished to address the Board relating to the acquisition of various properties as referenced in File Nos. 101409, 101412, 101415, 101418, 101421, 101424, 101427, 101430, 101433, 101436, 101439, and 101442. Supervisor Daly made opening remarks. Emilio Cruz (TJPA) provided an overview of the project and responded to questions raised throughout the discussion. There were no speakers in support of the project or the associated proposed acquisitions. Herman H. Fitgerald and Claude Gruen (564 Howard Street); Virgil Chan (568 Howard); Thomas Byrne (60 Tehama); Patrick McInerney (85 Natoma #1, #2, #4, #C1, and 13 parking easements); spoke in opposition to the project and the associated proposed acquisitions. There were no speakers in opposition of the project or the associated proposed acquisitions. Emilio Cruz (TJPA) provided a rebuttal and responded to questions raised throughout the discussion. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

101409 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street No. 1]

Sponsor: Daly

Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street No. 1, San Francisco, California (Assessor's Block No. 3721, Lot No. 109) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

Resolution No. 571-10

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101412 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street No. 2]

Sponsor: Daly

Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street No. 2, San Francisco, California (Assessor's Block No. 3721, Lot No. 110) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

Resolution No. 570-10

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101415 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street No. 3]

Sponsor: Daly

Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street No. 3, San Francisco, California (Assessor's Block No. 3721, Lot No. 111) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

Resolution No. 569-10

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101418 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street No. 4]

Sponsor: Daly

Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street No. 4, San Francisco, California (Assessor's Block No. 3721, Lot No. 112) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

Resolution No. 568-10

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101421 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street No. 5]

Sponsor: Daly

Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street No. 5, San Francisco, California (Assessor's Block No. 3721, Lot No. 113) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

Resolution No. 567-10

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101424 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street No. 7]

Sponsor: Daly

Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street No. 7, San Francisco, California (Assessor's Block No. 3721, Lot No. 115) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

Resolution No. 566-10

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101427 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street No. 9]

Sponsor: Daly

Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street No. 9, San Francisco, California (Assessor's Block No. 3721, Lot No. 117) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

Resolution No. 565-10

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101430 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street No. C1]

Sponsor: Daly

Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street No. C1, San Francisco, California (Assessor's Block No. 3721, Lot No. 118) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

Resolution No. 564-10

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101433 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 60 Tehama Street]

Sponsor: Daly

Resolution authorizing the acquisition of real property commonly known as 60 Tehama Street, San Francisco, California (Assessor's Block No. 3736, Lot No. 088) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

Resolution No. 580-10

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101436 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 564 Howard Street]

Sponsor: Daly

Resolution authorizing the acquisition of real property commonly known as 564 Howard Street, San Francisco, California (Assessor's Block No. 3721, Lot No. 019) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

Resolution No. 579-10

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101439 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 568 Howard Street]

Sponsor: Daly

Resolution authorizing the acquisition of real property commonly known as 568 Howard Street, San Francisco, California (Assessor's Block No. 3721, Lot No. 020) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

Resolution No. 578-10

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101442 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 13 Easement Interests Across and Through 85 Natoma Street]

Sponsor: Daly

Resolution authorizing the acquisition of 13 easement interests across and through the real property commonly known as 85 Natoma Street, San Francisco, California (Assessor's Block No. 3721, Lot Nos. 109-118) (recorded in the official records of the City and County of San Francisco as Doc 2000-G860199-00, November 6, 2000) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

Resolution No. 581-10

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Alioto-Pier introduced, welcomed, and presented Certificates of Honor to Leslie Roffman, Todd Wanerman, and Cassandra Britton of the Little School in recognition of their accomplishments and continued community support.

Supervisor Dufty introduced, welcomed, and presented a Certificate of Honor to Officer Kevin Abbey of the San Francisco Police Department in recognition of his accomplishments, continued community support, and best wishes for his future endeavors.

Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to Melanie Nutter (Department of the Environment) in recognition of the winners of BAAQMD's Great Race for Clean Air: Systime Computer Corporation, Civil Service Commission, Environmental Management & Planning Solutions, Walter P. Moore, the Department of the Environment, and the Department of Public Works.

COMMITTEE REPORTS

Recommendations of the Rules Committee

101098 [Administrative Code - Electronic Distribution of Multi-Page Documents]
Sponsors: Mirkarimi; Chiu, Campos and Mar

Ordinance amending the San Francisco Administrative Code by amending Sections 1.56 and 8.12.4, adding Section 8.12.5, and re-numbering Section 8.12-1 as 8.13, to provide for the electronic distribution of documents more than 10 pages long prepared by City departments.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101191 [Administrative Code - Publication Requirements]
Sponsors: Mirkarimi; Campos, Mar and Chiu
Ordinance amending Chapter 2 of the San Francisco Administrative Code by adding Article XII, Sections 2.96 through 2.100, to define "published" as required by San Francisco Charter Article XVII to: (1) establish requirements for publishing notices; (2) establish standards for and define the "City's Official Website Homepage;" (3) establish procedures for standardizing and defining notice and publication requirements for future proposed ordinances; and (4) authorize the Clerk of the Board of Supervisors to adopt regulations to implement this Article.

Supervisor Chiu requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101272 [Conflict of Interest Code Amendments]
Ordinance amending Chapter 1 of Article III of the Campaign and Governmental Conduct Code by (1) amending Section 3.1-103 to list the officials who must file statements of economic interests and ethics-related forms with the Ethics Commission; (2) amending Section 3.1-107 to clarify the scope of disclosure category 1; (3) amending Sections 3.1-140, 3.1-150, 3.1-155, 3.1-175, 3.1-190, 3.1-195, 3.1-205, 3.1-207, 3.1-218, 3.1-230, 3.1-240, 3.1-245, 3.1-250, 3.1-251, 3.1-253, 3.1-267, 3.1-275, 3.1-280, 3.1-312, 3.1-315, 3.1-320, 3.1-335, 3.1-362, 3.1-365, 3.1-390, 3.1-422, 3.1-445, 3.1-450 to update the list of designated employees who must file statements of economic interests; (4) deleting Sections 3.1-210 and 3.1-235 to reflect the current composition of City departments; and (5) adding Section 3.1-510 to identify the local officials who manage public investments. (Clerk of the Board)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101381 [Settlement of Lawsuit - Allison Ayer - $30,000]
Ordinance authorizing settlement of the lawsuit filed by Allison Ayer against the City and County of San Francisco for $30,000; the lawsuit was filed on January 28, 2010, in San Francisco Superior Court, Case No. CGC-10-496373; entitled Allison Ayer v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101382 [Settlement of Lawsuit - Charles Haynes - $50,000]
Ordinance authorizing settlement of the lawsuit filed by Charles Haynes against the City and County of San Francisco for $50,000; the lawsuit was filed on January 23, 2009, in the United States District Court, Northern District of California, Case No. C09-00174 PJH; entitled Charles Haynes, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101383 [Settlement of Lawsuit - Guillermo Chavez - $30,000]

Ordinance authorizing settlement of the lawsuit filed by Guillermo Chavez against the City and County of San Francisco for $30,000; the lawsuit was filed on October 2, 2009, in San Francisco Superior Court, Case No. 439-130; entitled Guillermo Chavez v. City and County of San Francisco, et al.; other material terms of said settlement are: 1) $10,000 to be paid to the San Francisco Tax Collector's Bureau of Delinquent Revenue to satisfy the medical lien for treatment in this case; 2) $11,555 to be allocated to attorney's fees and litigation costs; 3) the balance of $8,445 is to be paid to the Bureau of Delinquent Revenue to pay down money owed by plaintiff to the City for medical treatment unrelated to the injuries in the lawsuit. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101458 [Administrative Code - Extending Operation of Voting Systems Task Force]

Sponsor: Campos

Ordinance amending the San Francisco Administrative Code by amending Sections 5.400 and 5.410 and adding Section 5.415 to extend the operation of the Voting Systems Task Force to June 30, 2011.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101384 [Settlement of Unlitigated Claim - Motorist Insurance Group and Ellis Brooks Chevrolet - $48,969.70]

Resolution approving the settlement of the unlitigated claim filed by Motorist Insurance Group and Ellis Brooks Chevrolet against the City and County of San Francisco for $48,969.70; claim was filed on May 4, 2010. (City Attorney)

Resolution No. 575-10

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Public Safety Committee

101190 [Police Code - Registration and Other Requirements for Event Promoters]

Sponsors: Chiu; Maxwell

Ordinance adding Article 15.7 to the San Francisco Police Code, requiring event promoters to register with the Entertainment Commission; prohibiting holders of certain entertainment-related permits, and registered promoters, from retaining an unregistered promoter to hold an event; and authorizing under certain circumstances for certain promoters reporting requirements, increased security plan requirements for events they promote, general liability insurance requirements, a criminal background check requirement, and other requirements.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101349 [Administrative Code - DNA Testing in Sexual Assault Cases]
Sponsors: Alioto-Pier; Chu
Ordinance implementing the California "Sexual Assault Victims' Bill of Rights" by amending the San Francisco Administrative Code to: (1) add Section 2A.89 to require the Police Department to develop and implement procedures to collect and test DNA samples in sexual assault cases and provide information and notices to victims, require the Police Department to report on DNA collection and testing performance as part of the budget submission, and make it the policy of the City and County of San Francisco to appropriate sufficient funds each fiscal year to ensure timely testing of DNA evidence in sexual assault cases; and (2) add Section 10.100-172 to establish the Police DNA Testing in Sexual Assault Cases Account.

Supervisor Chu requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101443 [Accept and Expend Grant - Three Part-Time Q4 Police Officer III Positions - $424,107]
Sponsor: Alioto-Pier
Ordinance authorizing the San Francisco Police Department, on behalf of the City and County of San Francisco, to retroactively accept and expend grant funds in the amount of $424,107 from the United States Department of Justice/National Institute of Justice "Solving Cold Cases with DNA" Grant Program; and amending Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect the addition of three (3) part-time positions (1.50 FTE total) in job classification Q4 Police Officer III in the San Francisco Police Department.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Walter Paulson; shared in song certain concerns with the Board.
Laboria Pease Moore; expressed various concerns.
Anthony Fest; expressed concerns relating to the proposed KPFA legislation.
Male Speaker; expressed various religious concerns.
Edmond Juicye; expressed various concerns.

Supervisor Chu was noted absent at 5:34 p.m.; noted present at 5:47 p.m.
Supervisor Dufty was noted absent at 5:34 p.m.; noted present at 5:45 p.m.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

101487 [Single Room Occupancy Task Force]
Sponsors: Dufty; Campos
Resolution amending the Single Room Occupancy Task Force to accurately reflect the administration of the program and to alter the membership of the task force to accurately reflect this change.

Resolution No. 582-10

ADOPTED

101489 [Authorizing Use of General Fund Dollars as Matching Funds for Federal Medicaid Funding]
Sponsor: Mayor
Resolution authorizing the Department of Public Health to use General Fund dollars as matching funds to receive federal Medicaid funding for services provided through the Community-Living Support Benefit Waiver (AB 2968).

Resolution No. 573-10

ADOPTED

101494 [Declaration of the November 2, 2010, Election Results]
Sponsor: Chiu
Resolution declaring the results of the November 2, 2010, Consolidated General Election. (Elections Department)

Resolution No. 574-10

ADOPTED

101434 [Committee of the Whole - Public Hearing on Ground Lease of Redevelopment Agency Land at 701 Golden Gate Avenue to Mary Helen Rogers Senior Community, LP]
Sponsor: Daly
Motion scheduling the Board to sit as a Committee of the Whole on December 14, 2010, at 3:00 p.m., to hold a public hearing on the Resolution approving the Redevelopment Agency of the City and County of San Francisco's lease of land at Assessor's Block No. 768, Lot No. 14, commonly known as 701 Golden Gate Avenue, southwest corner of Golden Gate Avenue and Franklin Street, San Francisco, California in San Francisco's Western Addition neighborhood, to Mary Helen Rogers Senior Community, LP, a California limited liability corporation, for 70 years for the purpose of developing housing for very low-income senior households.

Motion No. M10-184

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

The President requested that File No. 101465 be severed so that it may be considered separately.

101465 [Committee of the Whole - Public Hearing to Take Nominations and Appoint a Successor Mayor in the Event of a Vacancy in the Office of the Mayor]
Sponsor: Daly

Motion that the Board of Supervisors convene as a Committee of the Whole on December 7, 2010, at 3:00 p.m., to discuss the proposed Motion to take nominations and appoint a successor Mayor in the event of a vacancy in the Office of the Mayor.

The President inquired as to whether any member of the public wished to address the Board relating to File No. 101465. Maggie Scottman; Paulette Brown; Karen Huggins; Rachel Agoura; Abdallah Megaheed; Walter Paulson; Laboria Pease Moore; Angela Chan; El Fabue; Female Speaker; Yolanda Salzar; Ace Washington; Lea Weiss; Female Speaker; Elizabeth Ortega; Lionel Sanchez; John Bean; Male Speaker; Umparo; John Saki; Jamel Carlson; Eric Brooks; Richard Endman; Christopher Cook; Female Speaker; Edmond Juicye; Willie; Bradley Wiedmeyer; Female Speaker; Leonard Coley; expressed various concerns relating to the motion to sit as a Committee of the Whole to appoint a Successor Mayor. There were no other speakers. The President declared public comment closed.

Supervisor Maxwell, seconded by Supervisor Dufty, moved that this Motion be AMENDED on Page 1, Line 5, by replacing 'December 7' with 'December 14' and Line 9 by replacing 'December 7' with 'December 14.' The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 2 - Avalos, Daly

Motion that the Board of Supervisors convene as a Committee of the Whole on December 14, 2010, at 3:00 p.m., to discuss the proposed Motion to take nominations and appoint a successor Mayor in the event of a vacancy in the Office of the Mayor.

Supervisor Maxwell, seconded by Supervisor Dufty, moved that this Motion be CONTINUED AS AMENDED to December 14, 2010. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 2 - Avalos, Daly

Supervisor Daly requested that File No. 101425 be severed so that it may be considered separately.

101425 [Protecting and Preserving the Palace of Fine Arts Swans]
Sponsor: Alioto-Pier

Resolution endorsing the presence of swans at the Palace of Fine Arts lagoon, and urging the Recreation and Park Department, Animal Care and Control, and the San Francisco Police Department to develop a plan for the protection and preservation of swans in the Palace of Fine Arts lagoon.

REFERRED to the City Operations and Neighborhood Services Committee

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or Mayor

Ordinances

101522 [Public Works Code - Handbill Distribution]
Sponsor: Chiu
Ordinance amending the San Francisco Public Works Code by amending Sections 184.69, 184.70, and 184.72 to ban distribution of handbills on private premises unless the handbills are securely placed upon or attached to and do not damage the premises, specifying a minimum of 30-point font size for "No Handbills" signs, and replacing criminal penalties for unlawful distribution of handbills with administrative penalties, and making environmental findings.
12/07/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 1/6/2011.

101523 [Planning Code, Administrative Code - Development Impact and In-Lieu Fees]
Sponsor: Mayor
Ordinance amending the San Francisco Planning Code by amending Section 409 to clarify that the Annual Infrastructure Cost Inflation Adjustments to development fees authorized by the section that do not need further action by the Board of Supervisors, to provide that the Planning Director be included in the annual fee reporting process, and to make other technical amendments to simplify the annual fee reporting process and ensure that the Controller's Office and the Capital Planning Program coordinate their efforts, and by amending other sections of Article 4 to clarify language, eliminate confusion as to when requirements must be met, and correct errors in cross-referencing; amending the San Francisco Administrative Code by repealing Section 38.14 (the Severability Clause) and moving it to Section 430; adopting environmental, Planning Code Section 302, and Planning Code Section 101.1 findings.
12/07/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 1/6/2011.

Resolutions

101524 [Accept and Expend Grant - Green Cleaning Project - $75,463]
Sponsor: Mayor
Resolution authorizing the Department of the Environment to retroactively accept and expend a grant in the amount of $75,463 from the US Environmental Protection Agency to implement a green cleaning pilot project that will lead to the creation of multi-lingual green cleaning guidelines.
12/07/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101528 [Condemning Anti-Italian Remarks at the Planning Commission]
Sponsor: Alioto-Pier
Resolution condemning remarks of Commissioner Hisashi Sugaya that deeply offended members of the Italian-American community, and urging members of City boards and commissions to treat members of the public with respect.

12/07/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101529 [Supporting the KPFA Morning Show]
Sponsors: Avalos; Campos, Mar and Mirkarimi
Resolution expressing concern about recent layoffs of the KPFA Morning Show staff and urging Pacific Radio, KPFA's local board, the staff members and their union to find a solution to the current programming crisis.

12/07/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101530 [Tax-Exempt Revenue Obligation Bonds - the San Francisco School - Not to Exceed $5,000,000]
Sponsor: Campos
Resolution approving the issuance of tax-exempt revenue obligation bonds by the California Enterprise Development Authority in an aggregate principal amount not to exceed $5,000,000 to finance and refinance various capital facilities owned by the San Francisco School.

12/07/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101531 [Application for Mortgage Credit Certificates]
Sponsor: Chu
Resolution authorizing an application to the California Debt Limit Allocation Committee to permit the issuance of Mortgage Credit Certificates.

12/07/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101532 [Accept and Expend Grant - Daraja Academy Project - $16,000]
Sponsor: Chu
Resolution authorizing the San Francisco Arts Commission to retroactively accept and expend a grant in the amount of $16,000 from the San Francisco Foundation's donor advised "Do a Little Fund" for the Daraja Academy Project. (Arts Commission)

12/07/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101533 [Accept and Expend Grant - Environment Now - $10,000]
Sponsor: Mar
Resolution authorizing the Department of the Environment to retroactively accept and expend a grant in the amount of $10,000 from the Altamont Education Advisory Board to support Environment Now, an environmental stewardship and workforce development program. (Environment)

12/07/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101425 [Protecting and Preserving the Palace of Fine Arts Swans]
Sponsor: Alioto-Pier
Resolution endorsing the presence of swans at the Palace of Fine Arts lagoon, and urging the Recreation and Park Department, Animal Care and Control, and the San Francisco Police Department to develop a plan for the protection and preservation of swans in the Palace of Fine Arts lagoon.

11/23/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

12/07/10; REFERRED to City Operations and Neighborhood Services Committee.

091365 [Supporting the Report of the Declining Fossil Fuel Supplies]
Sponsors: Mirkarimi; Mar
Resolution in support of the measures and actions to mitigate the effects of declining fossil fuel supplies recommended in the report of the San Francisco Peak Oil Preparedness Task Force.

11/24/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

12/08/09; REFERRED to City Operations and Neighborhood Services Committee.

12/07/10; SUBSTITUTED AND ASSIGNED to City Operations and Neighborhood Services Committee.

Motions

101525 [Committee of the Whole - Public Hearing to Establish the Civic Center Community Benefit District]
Sponsor: Mayor
Motion directing the Board of Supervisors to hold a public hearing on January 4, 2011, at 3:00 p.m., with the Board sitting as a Committee of the Whole, to consider adopting a Resolution to establish the Civic Center Community Benefit District.

12/07/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101541 [Appointment, Treasure Island Development Authority Board of Directors - Mark Dunlop]
Motion approving the Mayor's appointment of Mark Dunlop to the Treasure Island Development Authority Board of Directors, for the unexpired portion of a four-year term ending February 26, 2012. (Clerk of the Board)

12/01/10; ASSIGNED to Board of Supervisors.

101542 [Appointment, Treasure Island Development Authority Board of Directors - Mark Dunlop]
Motion rejecting the Mayor's appointment of Mark Dunlop to the Treasure Island Development Authority Board of Directors, for the unexpired portion of a four-year term ending February 26, 2012. (Clerk of the Board)

12/01/10; ASSIGNED to Board of Supervisors.

Requests for Hearing

101440 [Public Hearing - Ground Lease - Redevelopment Agency Land at 701 Golden Gate Avenue to Mary Helen Rogers Senior Community, LP]
Sponsor: Daly
Hearing of persons interested in or objecting to proposed Resolution approving the Redevelopment Agency of the City and County of San Francisco's lease of land at Assessor's Block No. 768, Lot No. 13, commonly known as 701 Golden Gate Avenue, southwest corner of Golden Gate Avenue and Franklin Street, San Francisco, California in San Francisco's Western Addition neighborhood, to Mary Helen Rogers Senior Community, LP, a California limited liability corporation, for 70 years for the purpose of developing housing for very low-income senior households.

101535 [Hearing - Review and Approval of the Board of Supervisors/Clerk of the Board Annual Budget Guidelines]
Hearing to consider the annual review and approval of the Board of Supervisors/Clerk of the Board Annual Budget Guidelines. (Clerk of the Board)
12/07/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101540 [Public Hearing - Appointment of Mark Dunlop to the Treasure Island Development Authority Board of Directors]
Hearing of persons interested in or objecting to proposed Motion either approving or rejecting the appointment of Mark Dunlop to the Treasure Island Development Authority Board of Directors. (Clerk of the Board)
12/01/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

Report

101534 [Board of Supervisors Seniority]
Lottery to determine the seniority of the newly elected Members of the Board of Supervisors scheduled for the regularly scheduled Board Meeting of Tuesday, December 14, 2010, at 3:00 p.m., pursuant to Board Rule 6.21. (Clerk of the Board)
12/07/10; ASSIGNED to Board of Supervisors.

Introduced by the President at the Request of a Department

PROPOSED ORDINANCES

101483 [Park Code - Kezar Parking Fees]
Ordinance amending the San Francisco Park Code, Article 12, by amending Section 12.08, to increase the parking fees at the Kezar Parking lot, and making environmental findings. (Recreation and Park Department)
11/29/10; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 1/6/2011.

PROPOSED RESOLUTIONS

101479 [Sale of Surplus Property - 909 Tennessee Street - $1,310,000]
Resolution approving the sale of an improved surplus property located at 909 Tennessee Street, within Lot No. 001, Block No. 4108, City and County of San Francisco, for a purchase price of $1,310,000; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this Resolution. (Real Estate Department)

11/29/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101481 [Contract Amendment - Ambulance Billing - $20,000,000]
Resolution authorizing the San Francisco Fire Department to amend the Department's ambulance billing contract with ADPI West, Inc., that anticipates approximately $20,000,000 per year in revenues, authorize the first two-year contract extension; retroactively approve the first contract extension to July 1, 2010, and at the Department's discretion authorize the Department to exercise the second two-year extension for the contract. (Fire Department)

11/22/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101495 [License with UnitedLayer to Use Property - 200 Paul Street]
Resolution authorizing the license of space and services with UnitedLayer at 200 Paul Street for the Department of Technology. (Real Estate Department)
(Fiscal Impact.)

11/22/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101496 [License with Telx to Use Property - 200 Paul Street]
Resolution authorizing the license of space and services with Telx at 200 Paul Street for the Department of Technology.

11/22/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from newsstands at the following locations:

San Francisco Bay Guardian
Southeast corner of Fillmore and Post
Southwest corner of Divisadero and Sutter
9th Avenue and Judah (near bus stops)
7th Avenue and Irving (near bus stops)
Northwest corner of Hayes and Fillmore
Southeast corner of Fillmore and Haight

San Francisco Chronicle
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore
Irving and 9th Avenue
Irving and 7th Avenue
Southwest corner of Haight and Clayton
Southeast corner of Haight and Masonic

Examiner
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore

SF Daily
Northwest corner of Hayes and Gough

City Star
Northwest corner of Hayes and Gough
Southeast corner of Fillmore and Haight

SF Weekly
Southeast corner of Masonic and Haight
Southeast corner of Haight and Fillmore

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti at the following locations:

Garbage Cans
Northwest corner of O'Farrell and Pierce
Southeast corner of Masonic and Golden Gate
Northeast corner of Haight and Fillmore
Northeast corner of Baker and Fulton
Northeast corner of Oak and Baker
Northeast corner of Lyon and Golden Gate
Northeast corner of Fillmore and Duboce
Southwest corner of Sutter and Steiner

Mailboxes
Southwest corner of Belvedere and Haight
Northeast corner of Baker and Golden Gate
Southeast corner of Lyon and Golden Gate
Northeast corner of Central and McAllister
Northeast corner of Haight and Fillmore

Vacant Lots
Northwest corner of Divisadero and Ellis; high priority, neighbors are complaining of trash and graffiti. MOWED Corridor person and our office have talked to the property owners without resolution.

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of repairing potholes at the following locations:

Potholes, Lights and Sidewalk Issues
Near 1260 Masonic
Near 930 Clayton
Near 515 Pierce

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti at the following private property locations:

10 Cole
1889 Golden Gate
38 Downey
445 Ashbury
1550 Steiner
744 Central
550 Baker
2195 Golden Gate
1898 McAllister
802 Steiner
124 Webster
399 Haight, on the Webster side
201 Webster
122 Webster
798 Haight
598 Haight
542 Haight
546 Haight
585 Hayes
500 Baker
738 Ashbury

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations:

Metal Poles:
In front of 1015 Ashbury
In front of 104 Baker

In front of 1057 Cole
In front of 193 Downey
In front of 206 Steiner
In front of 225 Pierce
Southwest corner of Ashbury and Fell
Southeast corner of Cole and Haight
In front of 406 Broderick
Southeast corner of Page and Scott
In front of 1729 Ellis
In front of 129 Belvedere
127 Rivoli

Wood Poles
Northeast corner of Steiner and Haight
In front of 206 Steiner
In front of 52 Central
In front of 655 clayton
In front of 730 Baker
In front of 921 Central

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the public property located at the following locations:

Utility Boxes
Southwest corner of Clayton and Fulton
Northeast corner of Broderick and Oak
Southeast corner of Fell and Stine
Southeast corner of Lyon and Fell
Northeast corner of Post and Steiner
Northwest corner of Liden and Buchanan

Bus Shelters
Southwest corner of Buchanan and Haight
Southeast corner of Buchanan and Hayes
Northwest corner of Masonic and Haight
Southeast corner of Hayes and Masonic
Northeast corner of McAllister and Pierce
Southwest corner of Central and McAllister
Fillmore and Haight (all 4 bus stops, graffiti and grime and canopies are graffiti also canopies have graffiti)

Fire Hydrants
Southeast corner of Ashbury and Haight
Northeast corner of Steiner and Haight

In Memoriams

Medina Abdulkader – Supervisor Mirkarimi
Florence P. Goldberg – Supervisors Elsbernd and Dufty
Richard Goldman – Entire Board
Joe Cerrell – Supervisor Alioto-Pier
Mario Michael Ghilotti – Supervisors Alioto-Pier and Chiu
Michael Scheele – Supervisor Alioto-Pier
Randy Allgaier – Supervisors Dufty and Campos
Gary William Hazelhofer – Supervisor Dufty
Dr. Anna Barta – Supervisor Dufty

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:54 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on January 4, 2011.

Angela Calvillo, Clerk of the Board

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

GOVERNMENT
DOCUMENTS DEPT

DEC 16 2011

SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, December 14, 2010 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Elsbernd	Wednesday 11:00 AM
City and School District Select Committee Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, Avalos, Dufty	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mar, Chu, Maxwell	2nd and 4th Thursday 10:30 AM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Elsbernd	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Alioto-Pier	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:19 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Mirkarimi, seconded by Supervisor Dufty, moved to approve the Board Meeting Minutes of November 9, 2010, and November 16, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

101121 [Accept and Expend Grant - FY2010 Regional Catastrophic Preparedness Grant Program and Amend Annual Salary Ordinance, FY2010-2011 - $3,570,000]
Sponsors: Mayor; Alioto-Pier

Ordinance authorizing the Department of Emergency Management, on behalf of the City and County San Francisco, serving as the primary grantee for the Regional Catastrophic Preparedness Grant Program Bay Area Site and as fiscal agent for the Urban Area Security Initiative Approval Authority, to retroactively accept and expend Regional Catastrophic Preparedness Grant Program grant funds in the amount of $3,570,000 from the United States Department of Homeland Security, through the California Emergency Management Agency, and to provide $181,478 as San Francisco's portion of required matching funds; and amending Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect the addition of one grant-funded position (.75 FTE) in Class 5293 Planner IV in the Department of Emergency Management.

Ordinance No. 322-10

FINALLY PASSED

101122 [Accept and Expend Grant - FY2010 Urban Areas Security Initiative Grant and Amend Annual Salary Ordinance, FY2010-2011 - $34,262,131]

Sponsors: Mayor; Alioto-Pier

Ordinance authorizing the Department of Emergency Management, on behalf of the City and County San Francisco, as the primary grantee for the combined Bay Area Urban Area and as the fiscal agent for the UASI Approval Authority, to retroactively accept and expend an Urban Areas Security Initiative grant in the amount of $34,262,131 from the United States Department of Homeland Security, through the California Emergency Management Agency; and amending Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect the addition of two grant-funded positions in the Department of Emergency Management, as follows: one position (.75 FTE) in Class 1823 Senior Administrative Analyst and one position (.75 FTE) in Class 1824 Principal Administrative Analyst.

Ordinance No. 326-10

FINALLY PASSED

Recommendations of the Land Use and Economic Development Committee

101313 [Planning Code, Zoning Map - Bayshore Boulevard Home Improvement Special Use District]

Sponsors: Maxwell; Campos and Dufty

Ordinance amending the San Francisco Planning Code by adding Section 249.65 to establish the Bayshore Boulevard Home Improvement Special Use District for the properties on lots fronting Bayshore Boulevard from Jerrold Avenue south to the 1-280 Freeway, the west side of Loomis Street from Jerrold Avenue south to the 1-280 Freeway, Oakdale Avenue from Loomis Street to Bayshore Boulevard, Marengo Street from Bayshore Boulevard to Waterloo Street and the west side of Boutwell Street from Industrial Street south to the 1-280 Freeway, and also including some lots on Cortland Avenue; amending the Zoning Map of the City and County of San Francisco to rezone the designated blocks and lots from the current M-1 and P/M-1 zoning to PDR-2, P/PDR-2 and the Bayshore Boulevard Home Improvement Special Use District; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

Ordinance No. 313-10

FINALLY PASSED

101448 [Installation of Public Art in the Hunters Point Shipyard Redevelopment Project Area - $80,000]

Sponsor: Maxwell

Resolution making findings under Section 33445 of the California Health and Safety Code and consenting to the Redevelopment Agency using approximately $80,000 in designated federal grant monies for the installation of Public Art in the Hunters Point Shipyard Redevelopment Project Area.

Resolution No. 594-10

ADOPTED

101485 [Southeast Digester Task Force - Biosolids Digester Facility Project]
Sponsor: Maxwell
Resolution urging the Public Utilities Commission to incorporate the Southeast Digester Task Force recommendations into the Biosolids Digester Facility Project, to select the preferred site and expedite implementation.

Resolution No. 599-10

ADOPTED

101486 [Commending the Community Benefits Program]
Sponsor: Maxwell
Resolution commending the San Francisco Public Utilities Commission's Community Benefits Program.

Resolution No. 600-10

ADOPTED

Recommendations of the Public Safety Committee

101190 [Police Code - Registration and Other Requirements for Event Promoters]
Sponsors: Chiu; Maxwell
Ordinance adding Article 15.7 to the San Francisco Police Code, requiring event promoters to register with the Entertainment Commission; prohibiting holders of certain entertainment-related permits, and registered promoters, from retaining an unregistered promoter to hold an event; and authorizing under certain circumstances for certain promoters reporting requirements, increased security plan requirements for events they promote, general liability insurance requirements, a criminal background check requirement, and other requirements.

Ordinance No. 315-10

FINALLY PASSED

101349 [Administrative Code - DNA Testing in Sexual Assault Cases]
Sponsors: Alioto-Pier; Chu
Ordinance implementing the California "Sexual Assault Victims' Bill of Rights" by amending the San Francisco Administrative Code to: (1) add Section 2A.89 to require the Police Department to develop and implement procedures to collect and test DNA samples in sexual assault cases and provide information and notices to victims, require the Police Department to report on DNA collection and testing performance as part of the budget submission, and make it the policy of the City and County of San Francisco to appropriate sufficient funds each fiscal year to ensure timely testing of DNA evidence in sexual assault cases; and (2) add Section 10.100-172 to establish the Police DNA Testing in Sexual Assault Cases Account.

Ordinance No. 317-10

FINALLY PASSED

101443 [Accept and Expend Grant - Three Part-Time Q4 Police Officer III Positions - $424,107]
Sponsor: Alioto-Pier
Ordinance authorizing the San Francisco Police Department, on behalf of the City and County of San Francisco, to retroactively accept and expend grant funds in the amount of $424,107 from the United States Department of Justice/National Institute of Justice "Solving Cold Cases with DNA" Grant Program; and amending Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect the addition of three (3) part-time positions (1.50 FTE total) in job classification Q4 Police Officer III in the San Francisco Police Department.

Ordinance No. 327-10

FINALLY PASSED

Recommendations of the Rules Committee

101098 [Administrative Code - Electronic Distribution of Multi-Page Documents]
Sponsors: Mirkarimi; Chiu, Campos and Mar
Ordinance amending the San Francisco Administrative Code by amending Sections 1.56 and 8.12.4, adding Section 8.12.5, and re-numbering Section 8.12-1 as 8.13, to provide for the electronic distribution of documents more than 10 pages long prepared by City departments.

Ordinance No. 316-10

FINALLY PASSED

101191 [Administrative Code - Publication Requirements]
Sponsors: Mirkarimi; Campos, Mar and Chiu
Ordinance amending Chapter 2 of the San Francisco Administrative Code by adding Article XII, Sections 2.96 through 2.100, to define "published" as required by San Francisco Charter Article XVII to: (1) establish requirements for publishing notices; (2) establish standards for and define the "City's Official Website Homepage;" (3) establish procedures for standardizing and defining notice and publication requirements for future proposed ordinances; and (4) authorize the Clerk of the Board of Supervisors to adopt regulations to implement this Article.

Ordinance No. 318-10

FINALLY PASSED

101272 [Conflict of Interest Code Amendments]
Ordinance amending Chapter 1 of Article III of the Campaign and Governmental Conduct Code by (1) amending Section 3.1-103 to list the officials who must file statements of economic interests and ethics-related forms with the Ethics Commission; (2) amending Section 3.1-107 to clarify the scope of disclosure category 1; (3) amending Sections 3.1-140, 3.1-150, 3.1-155, 3.1-175, 3.1-190, 3.1-195, 3.1-205, 3.1-207, 3.1-218, 3.1-230, 3.1-240, 3.1-245, 3.1-250, 3.1-251, 3.1-253, 3.1-267, 3.1-275, 3.1-280, 3.1-312, 3.1-315, 3.1-320, 3.1-335, 3.1-362, 3.1-365, 3.1-390, 3.1-422, 3.1-445, 3.1-450 to update the list of designated employees who must file statements of economic interests; (4) deleting Sections 3.1-210 and 3.1-235 to reflect the current composition of City departments; and (5) adding Section 3.1-510 to identify the local officials who manage public investments. (Clerk of the Board)

Ordinance No. 320-10

FINALLY PASSED

101381 [Settlement of Lawsuit - Allison Ayer - $30,000]

Ordinance authorizing settlement of the lawsuit filed by Allison Ayer against the City and County of San Francisco for $30,000; the lawsuit was filed on January 28, 2010, in San Francisco Superior Court, Case No. CGC-10-496373; entitled Allison Ayer v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 325-10

FINALLY PASSED

101382 [Settlement of Lawsuit - Charles Haynes - $50,000]

Ordinance authorizing settlement of the lawsuit filed by Charles Haynes against the City and County of San Francisco for $50,000; the lawsuit was filed on January 23, 2009, in the United States District Court, Northern District of California, Case No. C09-00174 PJH; entitled Charles Haynes, et al. v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 324-10

FINALLY PASSED

101383 [Settlement of Lawsuit - Guillermo Chavez - $30,000]

Ordinance authorizing settlement of the lawsuit filed by Guillermo Chavez against the City and County of San Francisco for $30,000; the lawsuit was filed on October 2, 2009, in San Francisco Superior Court, Case No. 439-130; entitled Guillermo Chavez v. City and County of San Francisco, et al.; other material terms of said settlement are: 1) $10,000 to be paid to the San Francisco Tax Collector's Bureau of Delinquent Revenue to satisfy the medical lien for treatment in this case; 2) $11,555 to be allocated to attorney's fees and litigation costs; 3) the balance of $8,445 is to be paid to the Bureau of Delinquent Revenue to pay down money owed by plaintiff to the City for medical treatment unrelated to the injuries in the lawsuit. (City Attorney)

Ordinance No. 323-10

FINALLY PASSED

101458 [Administrative Code - Extending Operation of Voting Systems Task Force]

Sponsor: Campos

Ordinance amending the San Francisco Administrative Code by amending Sections 5.400 and 5.410 and adding Section 5.415 to extend the operation of the Voting Systems Task Force to June 30, 2011.

Ordinance No. 314-10

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

101125 [Golden Gate Park Music Concourse Garage Refinance]
Sponsor: Mar

Resolution concurring in the recommendation of the Controller and the Director of the Office of Public Finance that the issuance of not to exceed $30,000,000 Tax Exempt Bank Qualified Bonds ("Bonds") with First Republic Bank for and on behalf of the Music Concourse Community Partnership, a California nonprofit public benefit corporation, is reasonably prudent; directing the Controller and the Director of the Office of Public Finance to do everything necessary and desirable to provide for the issuance of such Bonds; and providing public approval for the Bonds and the project financed and refinanced thereby for the purposes of Section 147(f) of the Internal Revenue Code.

Resolution No. 588-10

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

From the Budget and Finance Committee Without Recommendation

101311 [Administrative Code - San Francisco Local Hiring Policy for Construction]
Sponsors: Avalos; Mirkarimi, Campos, Daly and Mar

Ordinance amending the San Francisco Administrative Code Chapter 6, Public Works Contracting Policies and Procedures, Subsection 6.22(G) to: 1) establish a local hiring policy for City public work or improvement projects requiring contractors and their subcontractors to perform certain percentages of project work hours using San Francisco residents and disadvantaged San Francisco residents; 2) making findings in support of the policy; 3) authorizing incentives for contractors and subcontractors who exceed local hiring requirements; 4) mandating assessment of liquidated damages against contractors and subcontractors who fail to meet minimum local hiring requirements; and 5) establishing monitoring, enforcement, and administrative procedures in support of the policy.
(Economic Impact; Fiscal impact.)

Supervisor Mar requested to be added as a co-sponsor.

Ordinance No. 311-10

FINALLY PASSED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

Recommendation of the City Operations and Neighborhood Services Committee

101310 [Public Works Code - Regulation of Freestanding Newsracks and Fixed Pedestal Newsracks]

Sponsor: Alioto-Pier

Ordinance amending the San Francisco Public Works Code by amending Sections 184.2, 184.6, 184.8, and 184.12 thereof, relating to newsracks, to provide for: (1) the use of electronic mail for notices of violations; (2) removal of abandoned newsracks or newsracks maintained in violation of the Public Works Code within 7 calendar days of notice of violation sent by electronic mail; (3) imposition of administrative fines for violations resulting in newsrack seizures; (4) consolidation and/or reduction in size of fixed pedestal newsracks at under-used locations; (5) allocation of space in newsrack boxes on a first-come-first-served basis under certain circumstances; and (6) reduction of the fixed pedestal permit fee from $60 to $50.

Ordinance No. 319-10

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

Recommendations of the Land Use and Economic Development Committee

100046 [Planning Code, Administrative Code - Amending Inclusionary Housing Ordinance]

Sponsors: Mayor; Chiu and Campos

Ordinance amending the Planning Code and Administrative Code by amending the Residential Inclusionary Affordable Housing Program, Planning Code Section 415 et seq. (formerly Code Section 315 et seq.) (the "Program") to change the name of the Program to the Affordable Inclusionary Affordable Housing Program and to require all project applicants to pay the Affordable Housing Fee unless they are eligible for an alternative; making other amendments to the Program including expanding the uses of the Citywide Affordable Housing Fund, deleting provisions relating to certain requirements for off-site units, and deleting provisions requiring a refund of fees after issuance of certificate of occupancy; amending Sections 416 and 417 to make conforming amendments to the Inclusionary Affordable Housing Program; amending the Van Ness Market Special Use District, Section 249.33, to delete the provision that a project sponsor may only meet up to 50% of the Program's requirements through payment of the fee; amending Section 827 to delete the requirement that 50% of on- or off-site affordable housing units provided under Section 415 et seq. in the Rincon Hill Area Plan be provided as rental; amending the Administrative Code by amending Chapter 56 related to Development Agreements to create certain exceptions from its requirements for rental housing developments with on-site inclusionary units; and making findings including findings under the California Environmental Quality Act.

Ordinance No. 312-10

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101094 [Administrative Code - Child Care Centers for City Projects and City-Funded Private Projects]

Sponsors: Dufty; Alioto-Pier, Chiu, Mar, Maxwell and Campos

Ordinance amending the San Francisco Administrative Code by adding Chapter 29B to require a City agency, or a private developer that receives City funds for a development project, as defined, to prepare a feasibility study for providing an on-site child care center whenever it plans to construct or purchase a building, lease more than 50 percent of space in a private building for an initial term of more than one year, or alter more than 50 percent of the space in an existing building; adopting findings, including environmental findings.

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved that this Ordinance be AMENDED on Page 4, Line 12, by deleting 'more than'; Line 12, by replacing '25,000' with '50,000'; Line 12, by adding 'or more'; Line 14, by deleting 'more than'; Line 14, by replacing '25,000' with '50,000'; and Line 15, by adding 'or more.' The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101095 [Planning Code - Affordable Housing Program Exemption for Qualified Student Housing]

Sponsors: Dufty; Campos

Ordinance amending the Residential Inclusionary Affordable Housing Program, Planning Code Sections 415 et seq. to exempt certain Qualified Student Housing Projects, as defined, if the project meets certain requirements; adding corresponding definitions to Section 401; and making findings including environmental findings.
(Economic Impact.)

Ordinance No. 321-10

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Public Safety Committee

100455 [Environment Code - San Francisco Safe Drug Disposal Ordinance]

Sponsor: Mirkarimi

Ordinance amending the San Francisco Environment Code by adding Chapter 22, Sections 2201 through 2211, to: require any person who produces a drug offered for sale in San Francisco to participate in an approved drug stewardship program for the collection and disposal of unwanted drugs from residential sources; provide for implementation, enforcement, fees, and penalties; and phase-in the application of the Chapter to non-prescription drugs and controlled substances; and making environmental findings.
(Supervisor Elsbernd dissented in Committee.)

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

NEW BUSINESS

Recommendations of the Budget and Finance Committee

101148 [Visitacion Valley Infrastructure Fee Revenue Appropriation - Public Library and Department of Public Works for FY2010-2011- $2,385,068]

Sponsor: Maxwell

Ordinance appropriating $2,385,068 of Visitacion Valley Infrastructure Fee revenue from the Visitacion Valley Infrastructure Fund, including $2,169,200 in the Public Library for the Visitacion Valley Branch Library Project and $215,868 in the Department of Public Works, for the planning and design of utility undergrounding on Leland Avenue for FY2010-2011, and placing $1,156,304 on Controller's reserve in the Public Library pending receipt of Visitacion Valley Infrastructure Fee revenue.

(Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101444 [Accept and Expend Grant - Chinatown Broadway Streetscape Improvement Design Plan - $250,000]

Sponsor: Chiu

Ordinance authorizing the San Francisco Planning Department to accept and expend a grant in the amount of $250,000 from the California Department of Transportation, Division of Transportation Planning for the FY 2010-2011 Environmental Justice Grant for the Chinatown Broadway Streetscape Improvement Design Plan, and amending Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect the addition of one (1) limited duration Job Class 5293 Planner IV, grant funded position (0.06 FTE), in the Planning Department.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101446 [Accept and Expend Grant - Central Corridor Growth Strategy and Design Plan - $250,000]

Sponsor: Mayor

Ordinance authorizing the San Francisco Planning Department to accept and expend a grant in the amount of $250,000 from the California Department of Transportation, Division of Transportation Planning, for the CalTrans Community-Based Transportation Grant for the Central Corridor Growth Strategy and Design Plan, and amending Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect the addition of one (1) limited duration Job Class 5293 Planner IV, grant funded position (0.15 FTE), in the Planning Department.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100598 [Real Property Lease - 238 Eddy Street]
Resolution authorizing the Master Lease of the Windsor Hotel at 238 Eddy Street for the Department of Public Health. (Real Estate Department)
(Fiscal Impact.)

Resolution No. 589-10

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101346 [Airport Concession Leases - Lori's Diner, Andale, Meyers Holdings, and H. Young Enterprises]
Resolution approving Amendment No. 1 to Domestic Terminals Food and Beverage Lease No. 03-0178 with Lori's Diner International; No. 03-0179 with Andale Airports; No. 03-0181 with Meyers Holdings, LLC; and No. 03-0188 with H. Young Enterprises, and the City and County of San Francisco, by and through its Airport Commission. (Airport Commission)

Resolution No. 590-10

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101374 [Purchase Agreement - Subsurface Easements - Bay Division Pipeline Reliability Upgrade Project - Bay Tunnel - $650]
Resolution approving and authorizing an Agreement for Purchase and Sale of Real Estate to obtain two permanent, exclusive, subsurface easements from Cargill, Inc., for the purpose of constructing the San Francisco Public Utilities (SF PUC) Commission Water System Improvement Program-Funded Project No. CUW36801, Bay Division Pipeline Reliability Upgrade - Bay Tunnel, for a purchase price of $650; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; adopting findings of consistency with City Planning Code Section 101.1; and authorizing the General Manager of SFPUC to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

Resolution No. 591-10

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101375 [Construction Management Services Agreement - San Francisco General Hospital Rebuild Program - Not to Exceed $16,400,000]
Resolution authorizing the Director of Public Works to execute an amendment to a professional construction management services agreement for the San Francisco General Hospital Rebuild Program from $8,000,000 to $16,400,000. (Public Works Department)
(Fiscal Impact.)

Resolution No. 592-10

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101460 [Airport Concession Lease - Melshire DFW, L.P.]

Resolution approving the Terminal 2 Specialty Store Lease between Melshire DFW, L.P. dba Natalie's Candy Jar, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

Resolution No. 596-10

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101461 [Contract Amendment - Sunol Valley Regional Construction Management Services - Water System Improvement Program Projects - Not to Exceed $19,000,000]

Resolution authorizing an amendment to the San Francisco Public Utilities Commission contract CS- 915R for Sunol Valley Regional Construction Management Services in the amount not to exceed $3,000,000, for a total agreement not to exceed amount of $19,000,000 to fund Construction Management Services for Bioregional Habitat Restoration actions required for various Water System Improvement Program Projects within the Sunol Valley Region, Alameda County, pursuant to Charter Section 9.118, and adopting findings pursuant to the California Environmental Quality Act. (Public Utilities Commission)
(Fiscal Impact.)

Resolution No. 597-10

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101462 [Contract Amendment - Peninsula Habitat Restoration Construction Management Services - Water System Improvement Program Projects - Not to Exceed $26,000,000]

Resolution authorizing an amendment to the San Francisco Public Utilities Commission Contract No. CS- 916 for Peninsula Regional Construction Management Services in the amount not to exceed $ 4,000,000, for a total agreement not to exceed amount of $26,000,000 to fund Construction Management Services for Bioregional Habitat Restoration actions required for various Water System Improvement Program Projects within the Peninsula Region, San Mateo County, pursuant to Charter Section 9.118, and adopting findings pursuant to the California Environmental Quality Act. (Public Utilities Commission)
(Fiscal Impact.)

Resolution No. 598-10

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

101006 [Administrative Code - Revisions to Local Business Enterprise Ordinance]
Sponsors: Chu; Chiu

Ordinance amending Administrative Code Chapter 14B to increase minimum competitive amount for general services contracts to $400,000; to clarify ownership requirements for certification of local businesses with no single majority owner and make other clarifications to address certification of businesses under common ownership or with multiple locations; to clarify requirements for setting aside contracts under the mandatory Micro-LBE Set-Aside program; to exclude contracts under the threshold amount or minimum competitive amount from good faith efforts outreach and documentation requirements; to simplify and coordinate reporting requirements; to re-authorize the Treasurer to negotiate financial instruments in support of the Surety Bond and Financial Assistance Program after these provisions were inadvertently rescinded; and to make technical corrections.

Supervisor Chu, seconded by Supervisor Avalos, moved that this Ordinance be AMENDED on Page 29, Line 13, by replacing '(4)' with '(3)'. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101007 [Administrative Code - Revising Requirements for Purchasing Goods and Services]
Sponsors: Chu; Chiu

Ordinance amending Administrative Code Chapters 21 and 21C to conform Purchasing requirements to Administrative Code Chapter 14B by defining minimum competitive amounts of $100,000 for professional services and commodities contracts and $400,000 for general services contracts, clarify "bid-splitting," and make miscellaneous changes to City procurement requirements; to clarify information technology purchases; to update and conform references to Administrative Code Chapter 14B; to rescind the Sealer of Weights and Measures' authority under Section 21.32 to donate food purchases; to rescind the local tax adjustment set forth in Administrative Code Chapter 21C; to enact a new Section 21.32 to adjust bids likely to result in local sales tax revenue; to reenact and renumber Administrative Code Sections 21.25, 21.25-1, 21.25-2, 21.25-3, 21.25-4, and 21.25-x regarding prevailing wage requirements as Chapter 21C; and to make certain technical corrections.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101091 [Planning Code - Notice Requirement for "Other Entertainment Uses" in the Van Ness Avenue Special Use District]
Sponsors: Alioto-Pier; Chiu

Ordinance amending the San Francisco Planning Code by amending Section 243 to require notice for "Other Entertainment Uses" in the Van Ness Avenue Special Use District; adopting findings, including findings under Section 302 of the Planning Code, environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101449 [Rehabilitation of Building 813 in the Hunters Point Shipyard Redevelopment Project Area - $7,258,890]

Sponsor: Maxwell

Resolution making findings under Section 33445 of the California Health and Safety Code and consenting to the Redevelopment Agency of the City and County of San Francisco's payment of funds in the amount of $7,258,890 for the pre-development and rehabilitation of Building 813 in the Hunters Point Shipyard Redevelopment Project Area.

Resolution No. 595-10

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Rules Committee

101472 [Appointments, SOMA Community Stabilization Fund Community Advisory Committee - Conny Ford, Ada Chan, Allan Manalo, Judith Baker, and Thomas Temprano]

Motion appointing Conny Ford, Ada Chan, Allan Manalo, Judith Baker, and Thomas Temprano, terms ending April 27, 2011 and April 27, 2012, to the SOMA Community Stabilization Fund Community Advisory Community. (Clerk of the Board)

Motion No. M10-186

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101477 [Appointment, Workforce Investment Community Advisory Committee - Sheryl Davis]

Motion appointing Sheryl Davis, term ending February 19, 2012, to the Workforce Investment Community Advisory Committee. (Clerk of the Board)

Motion No. M10-187

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 2:30 P.M.

Board of Supervisors Sitting as a Committee of the Whole

101540 [Public Hearing - Appointment of Mark Dunlop to the Treasure Island Development Authority Board of Directors]

Hearing of persons interested in or objecting to proposed Motion either approving or rejecting the appointment of Mark Dunlop to the Treasure Island Development Authority Board of Directors. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Committee of the Whole relating to File Nos. 101541 and 101542. Todd Brennon; Ashaf Hieron; Betty Mathey; Rebecca Lee; Brian Leubitz; Cecilia Chang; Larry Brinkin; Kevin Shank; Francisco DaCosta; spoke expressing support of Mark Dunlop's appointment to the TIDA Board of Directors. Mark Dunlop provided an overview of his qualifications and expressed his interest in the position. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

101541 [Appointment, Treasure Island Development Authority Board of Directors - Mark Dunlop]

Motion approving the Mayor's appointment of Mark Dunlop to the Treasure Island Development Authority Board of Directors, for the unexpired portion of a four-year term ending February 26, 2012. (Clerk of the Board)

Motion No. M10-185

Supervisor Dufty, seconded by Supervisor Daly, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101542 [Appointment, Treasure Island Development Authority Board of Directors - Mark Dunlop]

Motion rejecting the Mayor's appointment of Mark Dunlop to the Treasure Island Development Authority Board of Directors, for the unexpired portion of a four-year term ending February 26, 2012. (Clerk of the Board)

Supervisor Dufty, seconded by Supervisor Daly, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

101354 [Public Hearing - Resolution to Establish the Ocean Avenue Community Benefits District]

Sponsor: Avalos

Hearing of persons interested in or objecting to proposed Resolution establishing a property-based business improvement district to be known as the "Ocean Avenue Community Benefits District," ordering the levy and collection of assessments against property located in that district for fifteen years commencing with FY2010-2011, subject to conditions as specified, and making environmental findings.

The President inquired as to whether any member of the public wished to address the Committee of the Whole relating to File No. 101355. Kate Favetti; Ernistine Weiss; Dollie Sitolot; Dan Weaver; Walter Paulson; spoke in support of the assessment district. Jesse Waters; Ace Washington; spoke in opposition to the assessment district. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

101355 [Resolution to Establish the Ocean Avenue Community Benefits District]

Sponsor: Avalos

Resolution establishing a property-based business improvement district to be known as the "Ocean Avenue Community Benefits District," ordering the levy and collection of assessments against property located in that district for fifteen years commencing with FY2010-2011, subject to conditions as specified, and making environmental findings.

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that the returned weighted ballots voting for the Ocean Avenue BID was 54.83%, and the returned weighted ballots voting against the Ocean Avenue BID was 45.17%, further indicating there was no majority protest.

Privilege of the floor was granted to Lisa Pagan (OEWD) who responded to questions raised throughout the discussion regarding File No. 101355.

Resolution No. 587-10

ADOPTED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi

Noes: 3 - Alioto-Pier, Chu, Elsbernd

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

101440 [Public Hearing - Ground Lease - Redevelopment Agency Land at 701 Golden Gate Avenue to Mary Helen Rogers Senior Community, LP]
Sponsor: Daly

Hearing of persons interested in or objecting to proposed Resolution approving the Redevelopment Agency of the City and County of San Francisco's lease of land at Assessor's Block No. 768, Lot No. 13, commonly known as 701 Golden Gate Avenue, southwest corner of Golden Gate Avenue and Franklin Street, San Francisco, California in San Francisco's Western Addition neighborhood, to Mary Helen Rogers Senior Community, LP, a California limited liability corporation, for 70 years for the purpose of developing housing for very low-income senior households.

The President inquired as to whether any member of the public wished to address the Committee of the Whole relating to File No. 101437. Olsen Lee (Redevelopment Agency) provided an overview of the ground lease and responded to questions raised throughout the discussion. Abdallah Megahed; Ace Washington; Walter Paulson; expressed various concerns. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

101437 [Ground Lease - Redevelopment Agency Land at 701 Golden Gate Avenue to Mary Helen Rogers Senior Community, LP]
Sponsor: Daly

Resolution approving the Redevelopment Agency of the City and County of San Francisco's lease of land at Assessor's Block No. 768, Lot No. 13, commonly known as 701 Golden Gate Avenue, southwest corner of Golden Gate Avenue and Franklin Street, San Francisco, California in San Francisco's Western Addition neighborhood, to Mary Helen Rogers Senior Community, LP, a California limited liability corporation, for 70 years for the purpose of developing housing for very low-income senior households.

Supervisor Chu was noted absent at 4:57 p.m.; noted present at 5:07 p.m.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Chu

Supervisor Chu, seconded by Supervisor Dufty, moved to rescind the previous vote. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Resolution No. 593-10

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

101466 [Public Hearing - Appointment of a Successor Mayor]
Sponsor: Daly
Hearing to discuss the proposed Motion to take nominations and appoint a successor Mayor in the event of a vacancy in the Office of the Mayor.

Pursuant to the actions of File No. 101465 this Hearing is CONTINUED to January 4, 2011.

Committee of the Whole Adjourn and Report

101467 [Appointment of a Successor Mayor]
Sponsor: Daly
Motion to take nominations and appoint a successor Mayor in the event of a vacancy in the Office of the Mayor.

Pursuant to the actions of File No. 101465 this Hearing is CONTINUED to January 4, 2011.

SPECIAL ORDER 3:00 P.M.

101534 [Board of Supervisors Seniority]
Lottery to determine the seniority of the newly elected Members of the Board of Supervisors scheduled for the regularly scheduled Board Meeting of Tuesday, December 14, 2010, at 3:00 p.m., pursuant to Board Rule 6.21. (Clerk of the Board)

Angela Calvillo, Clerk of the Board, provided an overview of the process. Ms. Calvillo continued by reading the names of the Supervisors-elect. Rick Caldeira, Legislative Deputy Director, placed the envelopes in the drum, locked the drum, and spun it around. One by one envelopes were drawn and names were read into the record as follows:
Supervisor-elect Mark Farrell
Supervisor-elect Malia Cohen
Supervisor-elect Scott Wiener
Supervisor-elect Jane Kim

Therefore, beginning January 8, 2011, at 12 noon the following order will be the official order of seniority of all continuing and newly elected Board members:
Supervisor Sean Elsbernd, Supervisor Ross Mirkarimi, Supervisor Carmen Chu, Supervisor David Campos, Supervisor Eric Mar, Supervisor John Avalos, Supervisor and current Board President David Chiu, Supervisor Mark Farrell, Supervisor Malia Cohen, Supervisor Scott Wiener, Supervisor Jane Kim. Ms. Calvillo concluded by indicating that seniority determines the order of polling Board members for the assignment of offices, parking spaces, seats in this Legislative Chamber, and for the appointments to compensated and non-compensated commission positions. There were no further actions.

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Mar, seconded by Supervisor Chu, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Chu introduced, welcomed, and presented a Certificate of Honor to Theresa Shanley in recognition of spotting the kidnapped child victim of Virginia, Brittany Smith, in the Sunset District and alerting the police.

Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to Steve Li in recognition of his human rights advocacy and continued community support.

Supervisor Maxwell introduced, welcomed, and presented a Certificate of Honor to the Asthma Task Force in recognition of their accomplishments and continued community support.

Supervisor Maxwell introduced, welcomed, and presented a Certificate of Honor to John Sutti in recognition of his accomplishments and continued community support.

COMMITTEE REPORTS

Recommendation of the City Operations and Neighborhood Services Committee

100761 [Environment Code - Restrictions on Pesticide Use]
Sponsors: Mayor; Alioto-Pier
Ordinance amending the San Francisco Environment Code by amending Sections 300, 301, 302, 303, 304, 305, 306, and 308, adding Section 310, and repealing Section 307, all to strengthen restrictions on the use of pesticides on City property, and making environmental findings.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101419 [Environment Code - Cell Phones; Retailers' Duty to Disclose Specific Absorption Rate Values]
Sponsor: Mar
Ordinance amending the San Francisco Environment Code by amending Sections 1103 and 1105, to require cell phone retailers to provide customers upon request with factsheets regarding Specific Absorption Rate values for cell phones and the use of cell phones, and to delay the enforcement date for certain provisions of the Chapter 11, the "Cell Phone Right-to-Know Ordinance," and making environmental findings.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Budget and Finance Committee

101463 [Settlement of Lawsuit - Lexington Insurance - City to Receive $2,750,000; Appropriating Settlement Proceeds]

Ordinance authorizing settlement of the lawsuit entitled City and County of San Francisco v. Lexington Insurance Company, San Francisco County Superior Court Case No: CGC-10-498967 (Action), removed to United States District Court, N.D. Cal., Case No: 3:10-CV1-02188-SI, arising from an insurance coverage dispute involving a claims-made Designers and Construction (i.e., professional liability) Project Specific Professional Liability and Pollution Liability Policy issued by Lexington Insurance Company (Lexington) to the San Francisco Public Utilities Commission for the period February 1, 2002, to February 1, 2006, policy number 1152114 (Lexington Policy), calling for payment of $2,750,000 from Lexington to the City and County of San Francisco and including other material terms of said settlement: (1) Lexington will have no further obligations under the Lexington Policy and said policy shall be considered null and void and of no further force and effect; (2) San Francisco will defend and hold harmless and indemnify Lexington from and against any demand against Lexington made under the Lexington Policy; (3) all parties will execute a mutual release; (4) San Francisco will execute and file a dismissal of all claims with prejudice; (5) the City and Lexington each shall bear its own legal costs and fees arising from this action; and appropriating the full proceeds from the settlement to fund the San Francisco Public Utilities Commission's attorney fees and legal expenses related to certain pending litigation matters. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101259 [34th America's Cup Host City Agreement and Finding of Fiscal Feasibility]

Sponsors: Mayor; Chiu, Mirkarimi, Alioto-Pier, Chu, Dufty and Maxwell

Resolution approving a Host City and Venue Agreement among the City, the America's Cup Event Authority and the San Francisco America's Cup Organizing Committee; authorizing the Mayor or his designee and the Port to execute the Host City and Venue Agreement; authorizing and urging the Mayor, Office of Economic and Workforce Development, Port and such other City Officials as appropriate to take such steps and execute such additional agreements as are consistent with the Host City and Venue Agreement and this Resolution to bring the 34th America's Cup to the San Francisco Bay; and finding that the proposed Event is fiscally feasible as set forth in Administrative Code Chapter 29.

(Economic Impact, Fiscal Impact.)

Privilege of the floor was granted to Brad Benson (Port Commission) who provided details on the amended Host and Venue Agreement and responded to questions raised throughout the discussion regarding File No. 101259.

Resolution No. 585-10

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101488 [Assessment Ballots for City Parcels to Form the Proposed Civic Center Community Benefit District]
Sponsor: Mayor
Resolution authorizing the Mayor to cast ballots in the affirmative on behalf of the City and County of San Francisco as owner of 11 parcels of real property over which the Board of Supervisors has jurisdiction, where those parcels would be subject to assessment in the proposed property and business improvement district to be named the Civic Center Community Benefit District.

Resolution No. 586-10

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

Recommendations of the Land Use and Economic Development Committee

100041 [Public Works Code, Administrative Code - Personal Wireless Service Facility Site Permits and Associated Fees]
Sponsors: Avalos; Campos, Mar, Chiu and Chu
Ordinance amending the San Francisco Public Works Code by: (1) adding Article 25, Sections 1500 through 1528, to establish new requirements for Personal Wireless Service Facility Site Permits and to increase certain fees for obtaining such permits, (2) amending the San Francisco Administrative Code by amending Chapter 11, Article 1, Section 11.9, to eliminate obsolete provisions related to such permits, (3) making the provisions of the ordinance retroactive, and (4) making environmental findings.

Supervisor Chu requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100495 [Administrative Code - California Environmental Quality Act Procedures, Appeals, and Public Notice]
Sponsor: Alioto-Pier
Ordinance amending Administrative Code Chapter 31 to provide for appeals to the Board of Supervisors of certain environmental documents and determinations under the California Environmental Quality Act, to clarify procedures and to provide public notice of environmental documents and determinations.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Ordinance be CONTINUED ON FIRST READING to January 4, 2011. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101247 [Planning Code - Update the Visitacion Valley Community Facilities and Infrastructure Fee and Fund]

Sponsor: Maxwell

Ordinance amending the San Francisco Planning Code by amending Sections 420.1 through 420.5 to update the Visitacion Valley Community Facilities and Infrastructure Fee and Fund and to conform the program with other Area Plan fee programs; making conforming changes to Sections 401 (definitions) and 406 (waiver, reduction, or adjustment of development project requirements); and making findings, including environmental findings.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

Supervisor Mirkarimi was noted absent at 5:49 p.m.; noted present at 5:54 p.m.

PUBLIC COMMENT

James Chaffee; expressed concerns relating to the SF Public Library.
Walter Paulson; shared in song certain concerns with the Board.
Female Speaker; spoke in support of proposed KPFA legislation.
Peter Warfield; expressed concerns relating to the SF Public Library.
Male Speaker; expressed various religious concerns.
Antonio Ortiz; spoke in support of proposed KPFA legislation.
Ace Washington; expressed various concerns.
Female Speaker; expressed various concerns.
Edmond Juicye; expressed various concerns.
Sue Hestor; spoke in support of proposed KPFA legislation.
Anthony Thuss; spoke in opposition of proposed KPFA legislation.
Female Speaker; spoke in opposition of proposed KPFA legislation.
Mara Rivera; spoke in opposition of proposed KPFA legislation.
Robert English; spoke in opposition of proposed KPFA legislation.
Kim Walter; spoke in support of proposed KPFA legislation.
Brian Edwards; spoke in support of proposed KPFA legislation.
Eric Brooks; spoke in opposition of proposed KPFA legislation.
Abdallah Megahed; expressed various concerns.
Sarah Rendalla; spoke in opposition of proposed KPFA legislation.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

101530 [Tax-Exempt Revenue Obligation Bonds - the San Francisco School - Not to Exceed $5,000,000]
Sponsor: Campos
Resolution approving the issuance of tax-exempt revenue obligation bonds by the California Enterprise Development Authority in an aggregate principal amount not to exceed $5,000,000 to finance and refinance various capital facilities owned by the San Francisco School.

Resolution No. 601-10

ADOPTED

101531 [Application for Mortgage Credit Certificates]
Sponsor: Chu
Resolution authorizing an application to the California Debt Limit Allocation Committee to permit the issuance of Mortgage Credit Certificates.

Resolution No. 602-10

ADOPTED

101532 [Accept and Expend Grant - Daraja Academy Project - $16,000]
Sponsor: Chu
Resolution authorizing the San Francisco Arts Commission to retroactively accept and expend a grant in the amount of $16,000 from the San Francisco Foundation's donor advised "Do a Little Fund" for the Daraja Academy Project. (Arts Commission)

Resolution No. 603-10

ADOPTED

101533 [Accept and Expend Grant - Environment Now - $10,000]
Sponsor: Mar
Resolution authorizing the Department of the Environment to retroactively accept and expend a grant in the amount of $10,000 from the Altamont Education Advisory Board to support Environment Now, an environmental stewardship and workforce development program. (Environment)

Resolution No. 604-10

ADOPTED

101501 [Final Map 5461 - Hunters View]
Motion approving Final Map No. 5461, a 5-lot subdivision for condominium purposes, being a 219 unit residential condominium project; approving a Public Improvement Agreement related to the Final Map; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1 and the Hunters View Development Documents. (Public Works Department)

Motion No. M10-188

APPROVED

101525 [Committee of the Whole - Public Hearing to Establish the Civic Center Community Benefit District]
Sponsor: Mayor
Motion directing the Board of Supervisors to hold a public hearing on January 4, 2011, at 3:00 p.m., with the Board sitting as a Committee of the Whole, to consider adopting a Resolution to establish the Civic Center Community Benefit District.

Motion No. M10-189

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

The President requested that File No. 101465 be severed so that it may be considered separately.

101465 [Committee of the Whole - Public Hearing to Take Nominations and Appoint a Successor Mayor in the Event of a Vacancy in the Office of the Mayor]
Sponsor: Daly
Motion that the Board of Supervisors convene as a Committee of the Whole on December 14, 2010, at 3:00 p.m., to discuss the proposed Motion to take nominations and appoint a successor Mayor in the event of a vacancy in the Office of the Mayor.

The President inquired as to whether any member of the public wished to address the Board relating to File No. 101465. Abdallah Megaheed; Linda Lewis; Mattie Scottman; Paul Courier; Ernestine Weiss; Walter Paulson; Male Speaker; Larry Bradshaw; Tommy Akimoto; Ace Washington; Female Speaker; Eric Brooks; Christopher Cook; Harold Miller; Richard Hanlon; Male Speaker; Female Speaker; Clemintina; Female Speaker; Francisco DaCosta; Abraham Simmons; Juanita Martinez; Jorge Garcia; Edmond Juicye; Cynthia Sandoval; Dale Seymour; expressed various concerns relating to the motion to sit as a Committee of the Whole to appoint a Successor Mayor. There were no other speakers. The President declared public comment closed.

Supervisor Maxwell, seconded by Supervisor Dufty, moved that this Motion be AMENDED on Page 1, Line 5, by replacing 'December 14, 2010' with 'January 4, 2011' and Line 9 by replacing 'December 14, 2010' with 'January 4, 2011.' The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Avalos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell

Noes: 3 - Campos, Daly, Mirkarimi

Motion that the Board of Supervisors convene as a Committee of the Whole on January 4, 2011, at 3:00 p.m., to discuss the proposed Motion to take nominations and appoint a successor Mayor in the event of a vacancy in the Office of the Mayor.

Supervisor Maxwell, seconded by Supervisor Dufty, moved that this Motion be CONTINUED AS AMENDED to January 4, 2011. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Avalos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell

Noes: 3 - Campos, Daly, Mirkarimi

Supervisor Alioto-Pier requested that File No. 101528 be severed so that it may be considered separately.

101528 [Condemning Anti-Italian Remarks at the Planning Commission]
Sponsor: Alioto-Pier
Resolution condemning remarks of Commissioner Hisashi Sugaya that deeply offended members of the Italian-American community, and urging members of City boards and commissions to treat members of the public with respect.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Resolution be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Avalos requested that File No. 101529 be severed so that it may be considered separately.

101529 [Supporting the KPFA Morning Show]
Sponsors: Avalos; Campos, Mar and Mirkarimi
Resolution expressing concern about recent layoffs of the KPFA Morning Show staff and urging Pacific Radio, KPFA's local board, the staff members and their union to find a solution to the current programming crisis.

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Resolution expressing concern about recent layoffs of the KPFA Morning Show staff and urging Pacific Radio, KPFA's Local Board, the staff members and their union to find a solution to the current programming crisis.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Resolution be CONTINUED AS AMENDED to January 4, 2011. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or Mayor

Ordinances

101497 [Police Code - Prohibiting the Use of Amplified Sound on Open Top Sightseeing Buses]
Sponsor: Chiu
Ordinance amending the San Francisco Police Code by amending Section 46 to clarify that the definition of "Sound Truck" in that section does not include open top tour buses, amending Section 2901 to clarify that the noise restrictions imposed by Article 29 do not apply to City agencies, adding a new Section 2913 to prohibit the use of amplified sound on open top sightseeing buses in San Francisco except where the sound is audible only to individual listeners, amending Section 2916 to authorize the Department of Public Health and the Police Department to enforce the requirements of Section 2913, and amending Section 2922 to clarify that the Article should not be construed to conflict with Federal or State laws.
12/14/10; ASSIGNED UNDER 30 DAY RULE to Public Safety Committee, expires on 1/13/2011.

101499 [Payment of Reward to John Doe - $10,000]
Sponsor: Dufty
Ordinance authorizing the Mayor's Office to reward John Doe $10,000 for providing information that led to the arrest of a criminal defendant.
12/14/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101520 [Park Code - Establishing Maximum Park Hours]
Sponsor: Mayor
Ordinance amending San Francisco Park Code Article 3 by adding Section 3.21 to establish maximum hours of operation for Golden Gate Park and McLaren Park from 5:00 a.m. to 1:00 a.m., unless the Recreation and Park Department authorizes specific activities; to authorize the Recreation and Park Commission to establish hours for other property under its jurisdiction, and making environmental findings.
12/14/10; ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 1/13/2011.

101537 [Planning Code - Urban Agriculture]
Sponsors: Mayor; Chiu
Ordinance amending the Planning Code to update controls related to urban agricultural uses by adding Section 102.34 to define urban agriculture, including neighborhood agriculture and urban industrial agriculture, and amending Sections 204.1, 209.5, 227, 234.1, 234.2, and Articles 7 and 8 to regulate such uses in various zoning districts; and making findings including environmental findings and findings of consistency with General Plan and Section 101.1.
12/14/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 1/13/2011.

101557 [Creating an Infrastructure Financing District and Adopting an Infrastructure Financing Plan - Rincon Hill Area]
Sponsor: Mayor
Ordinance creating an Infrastructure Financing District and adopting an Infrastructure Financing Plan for City and County of San Francisco Infrastructure Financing District No. 1 (Rincon Hill Area). Economic Impact

12/14/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101574 [Elections Code - E-mailing the Voter Information Pamphlet]
Sponsor: Mirkarimi
Ordinance amending the San Francisco Municipal Elections Code by amending Section 500, and adding Section 502, to require the Director of Elections to establish a process that permits voters to choose to receive the San Francisco Voter Information Pamphlet and associated materials by electronic means instead of by paper mail.

12/14/10; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 1/13/2011.

Resolutions

101538 [Accept and Expend Grant - Integrating HIV/Geriatric for People with HIV 50 & Older - $402,596]
Sponsor: Chu
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $402,596 from the University of California San Francisco to participate in a program entitled "Integrating HIV and Geriatric for People Living with HIV 50 & Older" for the period of December 1, 2010, through November 30, 2011.

12/14/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

101539 [Paratransit Cost-Sharing Agreement with BART]
Sponsor: Chu
Resolution approving a Cost-Sharing Agreement for Paratransit Services between the City and County of San Francisco and the San Francisco Bay Area Rapid Transit District for a period of up to ten years.

12/14/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101556 [Accept and Expend Gift - Recreation and Park Department Operations - $171,753]
Sponsor: Chu
Resolution authorizing the San Francisco Recreation and Park Department to retroactively accept and expend a gift of $171,753 from the San Francisco Parks Trust to support various Recreation and Park Department operations.

12/14/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

101558 [Formation of an Infrastructure Financing District - Rincon Hill Area]
Sponsor: Mayor
Resolution proposing the formation of an Infrastructure Financing District for City and County of San Francisco Infrastructure Financing District No. 1 (Rincon Hill Area).

12/14/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101559 [Approving the Infrastructure Financing Plan - Rincon Hill Area]
Sponsor: Mayor
Resolution approving the Infrastructure Financing Plan for City and County of San Francisco Infrastructure Financing District No. 1 (Rincon Hill Area).
12/14/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101560 [Special Election for the Infrastructure Financing District - Rincon Hill Area]
Sponsor: Mayor
Resolution calling for a special election for the City and County of San Francisco Infrastructure Financing District No. 1 (Rincon Hill Area).
12/14/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101561 [Declaring the Results of the Special Election for the Infrastructure Financing District - Rincon Hill Area]
Sponsor: Mayor
Resolution declaring the results of special election for City and County of San Francisco Infrastructure Financing District No. 1 (Rincon Hill Area).
12/14/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101562 [Intention to Issue Bonds for the Infrastructure Financing District - Rincon Hill Area]
Sponsor: Mayor
Resolution of intention to issue bonds for City and County of San Francisco Infrastructure Financing District No. 1 (Rincon Hill Area).
12/14/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101563 [Authorizing Issuance of Bonds for the Infrastructure Financing District - Rincon Hill Area]
Sponsor: Mayor
Resolution authorizing the issuance of bonds for City and County of San Francisco Infrastructure Financing District No. 1 (Rincon Hill Area).
12/14/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101564 [Memorandum of Understanding - 34th America's Cup]
Sponsors: Mayor; Chiu, Mirkarimi, Alioto-Pier, Dufty, Elsbernd, Maxwell and Chu
Resolution approving a Memorandum of Understanding between the City Controller and the Port Commission regarding the 34th America's Cup under Charter Section B7.320.
12/14/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101566 [Accept and Expend Grant - Integrating I-Tech International AIDS Education & Training Center - $13,001]
Sponsor: Chu
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $13,001 from the University of California San Francisco, to participate in a program entitled "Integrating I-Tech International AIDS Education and Training Center" for the period of April 1, 2010, through March 31, 2011.

12/14/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101567 [Accept and Expend Grant - Oil Spill Response Planning - $31,000]
Sponsor: Chu
Resolution retroactively authorizing the Department of Emergency Management to accept and expend a grant in the amount of $31,000 from the California Department of Fish and Game for oil spill response planning for the period July 1, 2010, through June 30, 2011.

12/14/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101569 [Accept and Expend Gift - Golden Gate Park Irrigation - $73,146]
Sponsor: Mar
Resolution authorizing the Recreation and Park Department to accept and expend a gift from Warren Hellman and the Hardly Strictly Bluegrass Festival of $73,146 to improve the irrigation systems in Speedway, Lindley, and Marx Meadows in Golden Gate Park. (Recreation and Park Department)

12/14/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101570 [Accept and Expend Grant - Sudden Oak Death - $896]
Sponsor: Mar
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant (Agreement #10-0511) from the California Department of Food and Agriculture in the amount of $896 to fund the project "Sudden Oak Death" for the period of July 1, 2010, through June 30, 2011. (Public Health Department)

12/14/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101571 [Amending Public Hearing Date Relating to Infrastructure Financing District - Rincon Hill - from January 25, 2011, at 3:00 p.m., to February 8, 2011, at 3:00 p.m.]
Sponsors: Mayor; Maxwell
Resolution amending Resolution No. 496.10 to reschedule the public hearing date relating to the formation of Infrastructure Financing District No. 1 (Rincon Hill Area), from January 25, 2011, at 3:00 p.m., to February 8, 2011, at 3:00 p.m.

12/14/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101573 [Extending the Term of Service for the Power Plant Task Force]
Sponsor: Maxwell
Resolution extending the termination date of the Power Plant Task Force to December 31, 2011.

12/14/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101575 [Annual Reports - Fillmore Jazz Community Benefit District]
Sponsor: Mirkarimi
Resolution regarding Fillmore Jazz Community Benefit District annual reports to the City: receiving and approving the District's Annual Reports for District FYs 2007, 2008, and 2009, which include the District's proposed budget for District FY2010, as submitted pursuant to Section 36650 of the Business Property and Community Benefit Act of 1994 (California Streets and Highways Code § §36600 et seq.) and Section 3.4 of the District's management contract with the City.

12/14/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101527 [Resolution to Establish the Civic Center Community Benefit District]
Sponsor: Mayor
Resolution establishing a property-based business improvement district to be known as the "Civic Center Community Benefit District," ordering the levy and collection of assessments against property located in that district for ten years commencing with FY2011-2012, subject to conditions as specified, and making environmental findings.

12/14/10; ASSIGNED to Board of Supervisors.

Motions

101565 [Waiving Board Rule 4.19 and Directing the Clerk of the Board to Agendize Consideration to Override Local Hiring Policy for Construction Veto on January 4, 2011]
Sponsor: Avalos
Motion waiving Board Rule 4.19 of the Rules of Order of the Board of Supervisors and directing the Clerk of the Board to agendize consideration to override veto pursuant to Charter Section 2.106 of the San Francisco Local Hiring Policy for Construction, File No. 101311 at the Regular Meeting of January 4, 2011.

12/14/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101568 [Directing the Budget and Legislative Analyst's to Conduct Three Audits in FY2010-2011 and Set the Priority for These Three Audits]
Sponsor: Mar
Motion directing the Budget and Legislative Analyst to conduct three audits to evaluate (a) the City's policies and revenues for advertising on public property; (b) the financial impact to the City of the provisions for Standby Pay, Lead Pay, and other related premium pay in the fiscal provisions of the City's Memoranda of Understanding with Labor Unions; and (c) the impact of hiring five new positions in the Assessor's Office on the property assessment backlog and property tax revenue.

12/14/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

101572 [Hearing - Local Hiring for Non-Public Work Projects]
Sponsor: Mirkarimi
Hearing to review various avenues for increasing local hiring on non-public work projects including the following: 1) Private projects that the City subsidizes, which are covered by the First Source Hiring Ordinance; 2) Projects governed by the Redevelopment Agency and Port; 3) Non-public work jobs where the City directly hires workers to perform work for the City; 4) Incorporating local hire requirements into the City's Project Labor Agreement negotiations; and 5) Local hire policies for permanent jobs with the City, the Port, and Redevelopment Agency.

12/14/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101526 [Public Hearing - Establish the Civic Center Community Benefit District]
Sponsor: Mayor
Hearing of persons interested in or objecting to proposed Resolution establishing a property-based business improvement district to be known as the "Civic Center Community Benefit District," ordering the levy and collection of assessments against property located in that district for ten years commencing with FY2011-2012, subject to conditions as specified, and making environmental findings. (Clerk of the Board)

12/14/10; ASSIGNED to Board of Supervisors.

Introduced by the President at the Request of a Department

PROPOSED RESOLUTIONS

101502 [Professional Services Agreement - Terminal 2/Boarding Area D Renovations - Not to Exceed $16,850,000]
Resolution approving Modification No. 5 to the Professional Services Agreement for Construction Management Services for Terminal 2/Boarding Area D Renovations and Related Facilities in the amount of $1,710,000 for a new total contract amount not to exceed $16,850,000. (Airport Commission)

12/01/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101503 [Airport Concession Lease - Books, Inc.]
Resolution approving Amendment No. 2 to North Terminal Bookstore Lease No. 00-0176 between Books, Inc., and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

12/01/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101504 [Airport Concession Lease - Museum of Modern Art]
Resolution approving the International Terminal Museum/Gallery Store Lease between San Francisco Museum of Modern Art and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

12/01/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101505 [Purchase Agreement - Permanent Access Road Easement - Stanislaus County - $13,000]

Resolution (1) approving and authorizing an agreement for the purchase of a permanent access road easement totaling 2.16 acres over portions of Assessor's Parcel Numbers 016-002-017, 016-002-018 and 016-002-44 located in Stanislaus County, required for the San Joaquin Pipeline System Project No. CUW37301 for a purchase price of $13,000; (2) adopting findings under the California Environmental Quality Act; (3) adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and (4) authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this Resolution. (Real Estate Department)

12/02/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101506 [Master Lease - Hotel Le Nain at 730 Eddy Street]

Resolution authorizing the Master Lease of the Hotel Le Nain at 730 Eddy Street for the Department of Public Health. (Real Estate Department)

12/06/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Request Granted

From: Supervisor Mirkarimi
To: City Attorney
Requesting/Inquiring: Requesting the City Attorney to review and approve an Ordinance requiring ground-floor Commercial Uses fronting Fillmore Street in the NC-3 District.

In Memoriams

Jonathon Simmons – Supervisor Alioto-Pier
Ruth S. White – Supervisor Dufty
Gil Ribera – Supervisor Dufty
Sgt. Jim S.Acevedo – Supervisor Dufty
Edward M. Walsh – Supervisor Dufty
Rose J. Sancimino – President Chiu
Richard Michael Johnston – Supervisor Elsbernd
John Kroll – Supervisor Elsbernd
Oscar Jimenez – Supervisor Campos

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 6:53 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on January 4, 2011.

Angela Calvillo, Clerk of the Board

Houchen Bindery Ltd